

Testimony of Eric Callisto
Executive Assistant to the Chairperson
Public Service Commission of Wisconsin
In Support of AB 899
March 4, 2008

Chairperson Montgomery, members of the Committee, thank you for allowing me to testify today in support of AB 899. I'll keep my comments general and brief, but would be happy to answer any questions you might have on the specifics of the bill.

While very few pieces of important legislation make it through the Legislature without detractors, I am happy to say that this important bill is supported by a wide array of interests. The reason is simple: global warming and energy security are issues of critical importance to this state and this country. Every reasonable tool at our disposal must be used to help us begin to reduce our carbon footprint, and to utilize homegrown energy sources whenever and wherever possible. The development of wind energy in Wisconsin is critical on both fronts. Unfortunately, Wisconsin is getting a reputation as a place that is inhospitable to wind energy. Disparate decisions and ordinances at the local level are creating confusion for developers and local government. As the state pushes towards meeting its 10% renewable portfolio standard, it cannot leave off the table the wind resources available within our very own borders. The utilities should not be relegated to sending Wisconsin dollars and jobs to Iowa and Minnesota when we have a wind resource in the state that is underutilized.

Wind siting reform is supported by the Governor's Global Warming Task Force. The Task Force has been working for almost a year now, with the welcome participation of Chairperson Montgomery and Chairperson Plale from your sister committee in the Senate. It is a group of 29 representatives, individuals selected because of their strong

voice for an important relevant position, and because of their willingness to work towards concrete solutions to global warming. Members come from the general public, utilities, industry, environmental organizations, farming, labor and other sectors. It is a group of 29 that I believe rarely see eye-to-eye on matters of public policy. Yet on February 19, that group unanimously endorsed to the Governor recommendations the group believed should be pursued immediately. They agreed on the low-hanging fruit, things this state should be doing in the near term to begin a full court press on global warming. One of those recommendations is wind siting reform. I'm happy to represent today, on behalf of the Governor, that he supports wind siting reform as recommended by his Task Force, and he specifically supports AB 899. This proposal also has the support of Chairperson Dan Ebert of the PSC, and the full Commission is voting this very morning on whether it will support the bill. I am confident that it will be 3-0 in support.

When it was becoming clear that wind siting reform was going to be a recommendation in the Task Force interim report, an ad hoc group convened at the PSC to work on an early version of the draft you now have before you. It included representatives from the Wisconsin Counties Association, the Wisconsin Towns Association, RENEW Wisconsin, the PSC, and the Department of Agriculture, Trade and Consumer Protection. The process that led to this draft went remarkably smoothly, a testament to the group's recognition that reform is important to achieve this session, but also because agreement was reached early on on a piece that had the greatest potential for controversy. That issue is "who makes the siting determination?" In the white paper that came from the Task Force workgroup, the siting authority was bifurcated, with the developer having an option to come to the Commission or to local government. The

parties quickly agreed that the proper split of authority was not this bifurcated model, but local government applying reasonable, PSC-created standards. The authority to site wind farms remains unchanged in this bill from existing law – it is, as it should be, a local decision. What is added is the creation of standards by the PSC which will act as a ceiling of sorts; local government restrictions cannot be more restrictive than those created by the PSC. There is also an appellate right to the Commission by anybody who is aggrieved by a siting decision at the local level. Appeal of the Commission's resolution of that matter is to circuit court.

This construct – local siting authority, uniform standards, and appeal to the Commission – will well serve all interests in this debate. Critical to success of this new structure is the rulemaking process at the PSC. The bill tasks the PSC with promulgating rules that specify the restrictions local government may impose on the installation and use of wind energy systems. The PSC also must promulgate rules that indicate what should be in the application for wind turbines, what should be in the record when siting decisions are made at the local level, and what process the local government unit should use to make the decision. The Commission rulemaking process will be open, inclusive, and responsive to all concerns as the agency develops these important standards.

I encourage the committee to support this legislation, and to move it promptly to a vote so that the full Assembly may take it up this session.

Wisconsin Towns Association

Richard J. Stadelman, Exec. Director

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To: Assembly Energy and Utilities Committee

From: Richard J. Stadelman, Executive Director

Re: AB 899 relating to PSC authority to establish standards for wind turbines

Date: March 4, 2008

Wisconsin Towns Association supports the passage of AB 899 which would authorize the Public Service Commission (PSC) to promulgate rules establishing common standards for political subdivisions to regulate the construction and operation of wind-powered generating projects (wind turbines).

Currently towns and counties are being asked to adopt ordinances regulating the construction and operation of wind turbines by both the industry and neighbors which vary greatly. Some towns have adopted ordinances with very limited standards, while other towns and counties have been pushed to adopt very restrictive ordinances. The questions of what is proper setback distance or maximum noise level are just two of the standards that have varied greatly. Having state standards that the town and county officials can rely upon as being reasonable and defensible is important to avoid the threat of lawsuits. We believe that AB 899, which is modeled after the livestock facility siting law (Sec. 93.90 of Wis. Statutes) and ATCP 51 provides a process to create reasonable standards.

Wisconsin Towns Association board of directors has specifically asked that two aspects be addressed in the development of the rules. First, we ask that the PSC use a deliberative process in establishing the rules, including having the interests of neighbors included in the development of the rules. An option would be to require PSC to use a technical advisory committee under Sec. 227.13 of Wis. Statutes in this process. Second, we believe that when neighboring properties and residents are being impacted these property owners and residents should also be compensated for the impacts of the wind turbines. The rules should consider these types of payments to the neighbors as an appropriate part of the siting and operation of wind turbines.

Wisconsin Towns Association also wants to indicate that preemption of town and county authority over highway weight limits should not be included in the PSC rules. Current statutory authority over local weight limits under Sec. 349.16 of Wis. Statutes must be retained by towns and counties for this industry as any other industry. Both the PSC staff and wind industry representatives have agreed that highway preemptions will not be a part of the rules.

While the siting of conflicting land uses is always a controversy for local officials, we believe that AB 899 will offer a reasonable approach yet retain local decision making within the limits established by the state standards that are defensible. Thank you for your consideration.

Resolution #16

Submitted by Manitowoc County Unit

Uniform Standards for Public Health or Safety of Wind Energy Systems

Whereas, the Wisconsin State Legislature has embraced renewable energy sources as desirable and necessary for the future of energy production in Wisconsin, and

Whereas, the State Legislature has enacted legislation limiting the ability of local governments to prohibit or curtail the development of wind energy systems, and

Whereas, Sec. 66.0401 of the Wisconsin Statutes prohibits towns from putting restrictions on Wind Energy Systems unless their conditions are satisfied, and

Whereas, one of the conditions is that the restriction serves to preserve or protect the public health or safety, and

Whereas, the definition of health and safety can vary from one person to another, and

Whereas, because of this undefined health and safety there is litigation taking place all around us on the controversial issue.

Now Therefore, Be It Resolved that the Wisconsin Towns Association ask the State of Wisconsin to provide uniform standards that all municipalities can follow when it pertains to health and safety.

Be It Further Resolved, that the final product can be something that will streamline the process of wind generation now and into the future.

WTA Board of Directors takes no position on this resolution. The Board of Directors encourages further discussion on this topic at the convention and an understanding of the status of local control by towns and villages of wind energy systems under current law..

**Legislative Session & Current Issues:
Wednesday, October 18, 2006 at 9:00 a.m.
(concluding between 11:00 a.m. and 11:30 a.m.)**

**Please note the location of the Legislative Session will be in the Radisson
Hotel Ballroom (which is located just to the north of the
La Crosse Center.)**



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March 3, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

RE: Letter in Support of Assembly Bill 899 – Wind Energy Siting Rules

Dear Senator Plale and Representative Montgomery:

I am writing today in support of Assembly Bill 899. In this letter we will summarize some of the reasons we think passage of this legislation is critical to the advancement of renewable energy in the State of Wisconsin.

CURRENT LAW

Under current law, the local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and there is no statute that grants the Public Service Commission ("PSC") explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.

The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality and Wisconsin experience.

PROPOSED LEGISLATION

The proposed legislation would require the PSC to create rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.

The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process would provide developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.

CASE FOR SUPPORT

Support of this legislation has economic benefits for Wisconsin and supports our state's efforts to be a leader in renewable energy. As an employer in Wisconsin which employs hundreds of people on a variety of different wind farms, we support this legislation. For approximately 6 months of construction, a medium-sized wind project (100-200 MW) will employ 150-250 very good paying jobs. Passage of this legislation could spur renewable energy development in Wisconsin creating excellent jobs for Wisconsin citizens.

While Michels is not a wind farm developer we work with them on a daily basis. As wind farm developers evaluate where they can effectively get a wind farm project sited, the period of time to get to power production is a serious consideration. With the current law, Wisconsin is less competitive than other wind rich states in this regard. This means developers will choose to invest literally hundreds of millions of dollars in other states with more straightforward laws. Our local communities will miss out on this alternative tax revenue; these same communities will miss out on the long-term benefit of more good paying jobs for the on-site maintenance technicians; and, our local wind farm construction employees will not be employed locally earning good wages on these projects.

Finally, in line with Wisconsin's progressive roots, we want Wisconsin to be a leader in renewable energy. This is about making Wisconsin a leader in renewable energy and increasing our economic base by rationally taking advantage of a rapidly growing industry.

If you have any questions whatsoever, or would like to discuss our perceived benefits of this proposed legislation, please call me at (920) 924-4328.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. David Stegeman". The signature is stylized with a large "A" and a long horizontal line extending to the right.

A. David Stegeman

Vice President of Business Administration and Chief Legal Officer

cc: Senator Fitzgerald
File

Testimony submitted to the Wisconsin Assembly's Committee on Energy and Utilities, regarding AB 899, on March 4, 2007, by Merlin Gentz, Calumet County Board Chairman.

Members of the Energy and Utilities Committee, I am pleased to be able to meet with you today as you gather public comment regarding AB899. I applaud the legislature for taking steps to establish some common standards for political subdivisions to regulate the construction and operation of wind-powered generating projects. The lack of these common standards has given rise to an increasing number of Wind Facility ordinances, which have wide variation in standards, at the county and town levels across this state. This complicates the issue tremendously. I wish to address you from several perspectives. First of all, from the experiences of the Calumet County Board; secondly, from the perspective of what has occurred in the county through its citizens; thirdly, some recommendations I have for you as you enact legislation concerning the planning for, the installation of and the use of alternative energy systems.

Let me talk briefly about our experiences in Calumet County. After several months of research, drafting of an ordinance and holding public hearings, we enacted our Wind Energy Facility ordinance, Chapter 79 in September of 2005. We paid close attention to Statute 66.0401 and followed the state model ordinance in developing our local ordinance. We had very few comments from any of our Calumet county citizens. It wasn't until it became apparent in early 2007, that two Wind Energy Facility Developers were working with land owners in two of our Townships, on constructing what were to be the largest wind turbines constructed in this country, over 400 feet high, that began a ground swell of citizen interest and involvement that continues to today. The impact of all of this has been, on the positive side, a tremendous amount of citizen participation and useful information on the subject. On the negative side, we have experienced the disruption of neighborhoods, the split in families, and the recall election of a County Board Supervisor. This has been the most contentious and disruptive issue to the life of Calumet County during the ten years I have been a supervisor on the Board. For a time this past summer, I was receiving 10 to 12 telephone calls per day and twenty to thirty letters per week. What did I learn from these experiences to help us as we move to the future?

Most of the hundreds of citizens who contacted me were not opposed to wind turbines and use of wind to produce electrical energy. In fact, they supported it. However, they were very concerned that we had not done enough research on the proper siting of the turbines, especially in regard to sound and the effects of that sound upon the human body and the setbacks from sensitive receptors such as homes and other inhabited buildings. They became organized and began researching these issues world wide. In retrospect, the state legislature had not done its research before enacting 66.0401 and developing its state model ordinance and we in Calumet county had not done an adequate job of involving our citizens and experts on sound and not researching what was behind the State's model ordinance. We assumed the research had been done and we were too quick to adopt what we saw. There is a lesson in this for all of us. Don't assume and jump too

quickly in setting laws and ordinances before you have involved the citizens who will be affected. Although we have a real challenge on our hands in Wisconsin regarding these alternative energy sources, what with all the discussions and establishing of wind facility ordinances across the state, we still need to take our time and ask ourselves, what will be best for our citizens and what will serve us best in moving ahead on establishing alternative sources of energy.

What would I do from my Monday morning quarterbacking chair- believe me, I could write a book on the subject based on what we've done and should have done and the knowledge I now possess on the subject. I would put a statewide moratorium on the construction of wind turbines for six months and I would study the heck out of the wind facilities being built and placed in operation in Dodge County and Fond du Lac County. I would get the University of Wisconsin on it right now. I would include sound studies and I would ask the citizens who live in the area what they are experiencing. I would insist that the wind facility manufacturers and the developers come forward with the engineering data on sound and studies on existing installations I know they have but, thus far, have been reluctant to share. Answers to the questions on sound levels and setbacks are the issues here. Once answered and proper standards have been established, I am confident that our citizens will offer support and we will be able to move forward on the planning, building and use of wind energy here in Wisconsin.

One last recommendation I would have for us in the future. If I would have it to do all over again, I would have established a citizen's committee in Calumet County four years ago to research and come forward with recommendations regarding Wind Facilities in our county. In retrospect, that should have been done in the State, before we had a real challenge on our hands. Let's learn from this and incorporate more citizen involvement as we look forward to solar power, geothermal, use of biomass and other alternative sources of energy.

Again, I appreciate the State Legislature getting involved , and for giving me the opportunity of addressing you. Please call upon me if I can be of further assistance to you.

Merlin Gentz, Calumet County Board Chairman
2611 South Greenview Street
Appleton, WI 54915
920-731-1670

Hearing on AB899/SB544
State Capitol, Tuesday, March 4, 2008

My name is Betty Wolcott. I live and work near Osseo in Trempealeau County. My congregation, Sisters of St. Francis of Assisi, based in Milwaukee, is strongly committed to reducing global warming and to the use of proven renewable energy sources.

I served about 6 months on Trempealeau County's advisory board developing an ordinance to cover the siting of commercial wind systems in our county. We researched, studied and traveled to various wind system sites and listened to many people who were for, against or who had little knowledge of wind facilities. Those who left the deepest impressions on us were those lives had been ruined--and there were many--because wind systems had not been properly sited.

Our county ordinance is often cited as being too restrictive. We would welcome a challenge, based in fact and research, to any part of our ordinance rather than just criticism such as "the setback is too far" or it would "ban any wind facilities." We allow for mitigation in our ordinance, but if wind systems can't be installed without harming the public health and safety, they shouldn't be.

This past Thursday, February 28, I first heard about AB899. The next day I heard there would be a public hearing on Tuesday, March 4th in Madison. Most people I know don't have any idea about AB899 or this public hearing. In effect the public was expected, (or was it?) to access a bill, study it, discuss it, and speak at a public hearing in the space of 5 days!

Citizens are more than consumers. We have a right to be notified in a timely manner and to be heard regarding legislation and hearings that will affect our lives and that of our communities. I and many I speak for ask that this legislation be delayed until more people can study and talk about it with legislators and in our communities, especially since this legislation takes away local control and power over the installations of commercial wind systems in local areas.

Renewable energy sources must meet more than quotas. They must not be a façade for developers, energy companies or governments to generate funds. Research must show that they really do produce sufficient clean energy without harming the public health and safety and that warrants their impact on the environment. I have yet to see any accurate account of the amount of clean energy produced by a wind facility in this state and a report as to its use and efficiency.

Our local communities are a part of varied ecosystems with a diversity of life and beauty. That is the most precious gift we can hand on to our children and future generations. It is my hope that you will keep that sacred trust by delaying passage of AB899 until further study is completed.

Betty Wolcott, OSF, N47475 Woodland Lane, Osseo, WI 54758

Dear Wisconsin Legislators,

I am very concerned for peoples' property rights. As the model wind ordinance states, turbines can be as close as 1000 feet from a residence. Turbines are also allowed to be placed 1.1 times the height of the turbine away from property lines.

If a 400 ft. turbine is placed 1.1 times away from an adjacent landowners' property line, I feel the other property owner is losing approximately 500 feet of his own property. If he would want to build a house close to that property line, he would be inside that 1000 ft. and would be in the danger zone. For example, a man in the Johnsbury area in Fond du Lac County, Wis., bought some land from his parents several years ago and is now able to afford to build a home on that land. He found out that his home would be inside of the danger zone, of that 1000 ft. circle. So now, that piece of property is no longer of any value to him since he doesn't want to live inside of the danger zone of the 1000 feet.

I feel every landowner should have full access to every part of his land and not have to worry about potential problems with turbines. Landowners have every right to enjoy their property line and not hundreds of feet from it.

I would be in favor of a committee being formed by the state with a 1 to 2 year moratorium. This way they could study all the potential problems that the turbines can bring. Why make the same mistakes that many other countries have already made? Let's learn from their mistakes so we can do it right. Whatever the committee decides is a safe distance from a residence, should also be the same distance to a property line. The federal study recommends ½ mile for a setback from a residence and also urges further study.

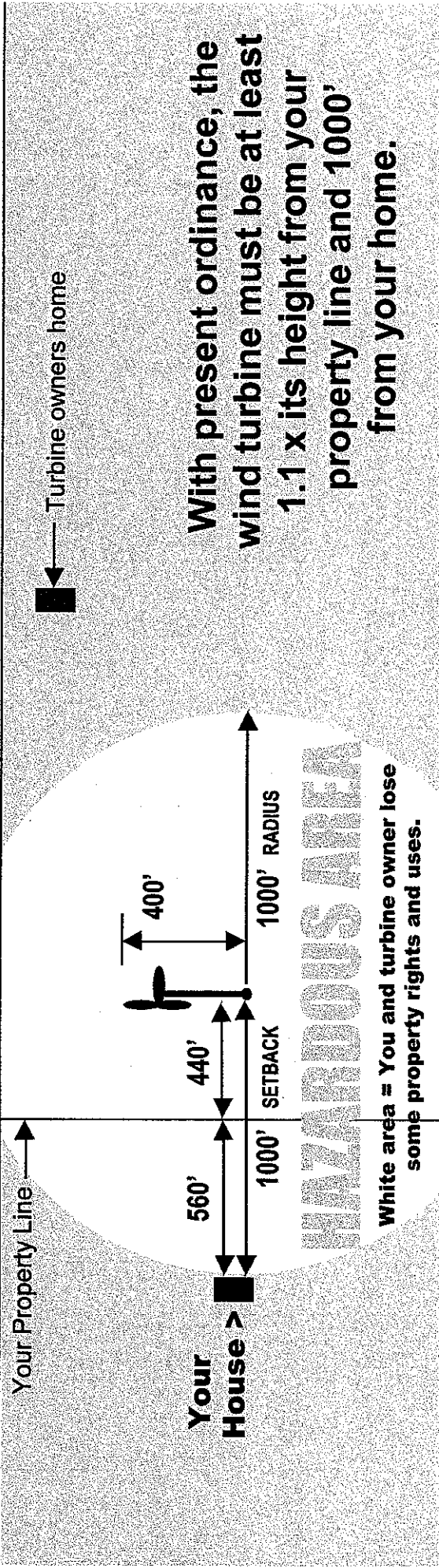
The taking of your property for such an inconsistent form of energy, such as wind, doesn't make any sense. Guardian Pipeline/American Transmission takes peoples' property, but at least it is a consistent form of energy so people accept the utilities taking there land, because they know millions of people will get consistent forms of energy.

Wisconsin is the "Dairy State" and big on tourism. Why do we want to push the wind turbines through when Wisconsin is the 3rd worse state for wind? We supply other states with dairy and many other things, why can't we buy electricity from other states that are better equipped with more wind and therefore much better efficiency?

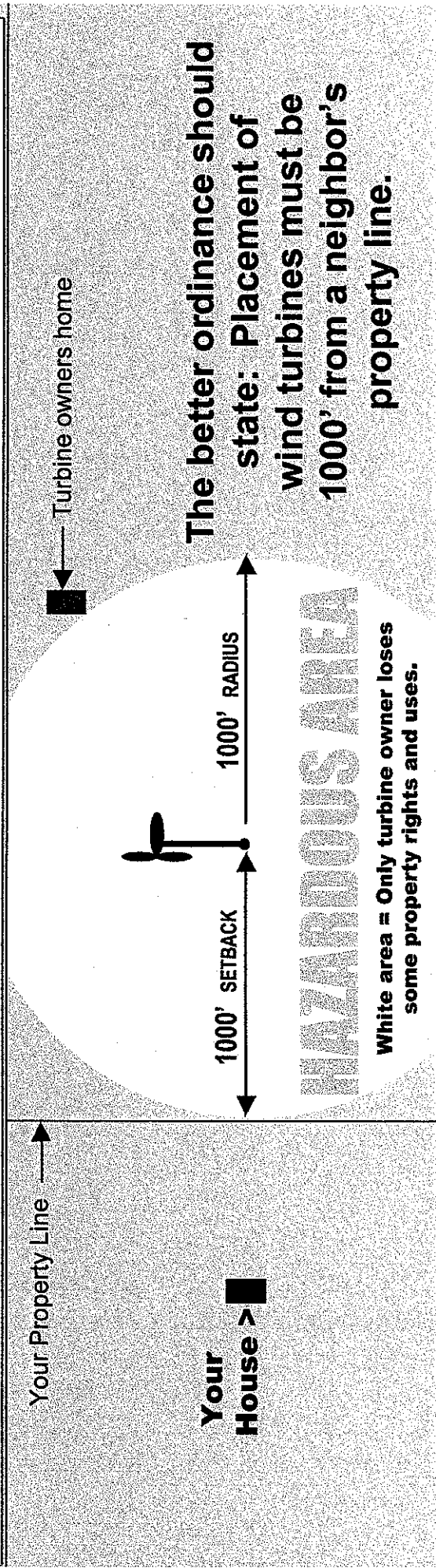
I am a landowner with the potential to put 10 turbines on my land. I did my own research and realized taking of adjacent landowners properties to line my pockets was both ethically and morally not correct. I would have taken the rights of 8 to 10 landowners, away from them. Please, don't give the PSC full authority to site wind turbines because much more study needs to be done.

Sincerely,
Keith Stroobants
N3489 Minahan Rd.
Chilton, WI 53014

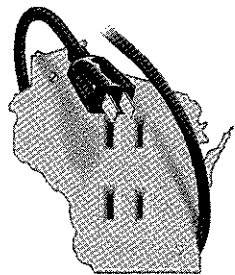
CITIZENS OF CALUMET COUNTY -BEWARE-



**KEEP THE HAZARDOUS AREA ON THE TURBINE OWNER'S LAND:
DEMAND THAT YOUR COUNTY REPRESENTATIVES PROVIDE A 1000' SETBACK FROM YOUR PROPERTY LINES....**



Are you concerned? You should be! Get involved. Find out more. Study the issues involved. Demand protective leadership from your officials. For more information, please phone (920) 849-2683 or (920) 849-7149. If you prefer e-mail, contact ccc4re@gmail.com



CustomersFirst! Plugging Wisconsin In

TO: Members, Assembly Committee on Energy and Utilities
FROM: Matt Bromley
Executive Director, *Customers First!* Coalition
DATE: 03/04/08
RE: Support of AB 899 relating to regulation of wind energy systems.

The *Customers First!* Coalition is an alliance of customer, business and labor organizations, environmental and low income groups, municipal and cooperative electric utilities and an investor owned utility. Together, we work to promote public policies that preserve Wisconsin's affordable and reliable electricity.

Customers First! supports AB 899 because it will help hold down costs to Wisconsin's electric ratepayers. The legislation:

- Provides a more efficient, time-certain permitting process that will help avoid delays that can add greatly to the cost of a wind energy project – costs that are ultimately passed on to the customer.
- Establishes uniform standards for local governments to use when siting wind energy systems. This will provide greater certainty in the permitting process, and lessen the likelihood of legal challenges to local ordinances avoiding potentially high litigation costs – again, costs that would ultimately be passed on to the customer.

As many of you recall, when the Legislature passed WI Act 141 – the Energy Efficiency and Renewables Act – last legislative session, the goal was to promote greater efficiency and conservation measures and expand our renewable energy so we could better manage the cost of improving our state's energy infrastructure, help customers and utilities guard against volatile fossil fuel prices, and mitigate the impacts of energy production on Wisconsin's environment. The *Customers First!* Coalition believes AB 899 is a step towards helping us achieve the state's energy goals prudently put forth by Act 141.

A Coalition
to Preserve
Wisconsin's
Reliable
and Affordable
Electricity

14 West Mifflin Street

Suite 310

Madison, WI 53703

608.286.0784

www.customersfirst.org





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**Support AB 899 / SB 544, Wind Permitting Reform Legislation
Before the Assembly Committee on Energy and Utilities
By Shahla M. Werner, Ph.D., Director, Sierra Club-John Muir Chapter
March 4, 2008**

Thank you for accepting comments today on behalf of the 15,000 members of the Sierra Club- John Muir Chapter in Wisconsin.

Our members have voted to make reducing global warming the key priority issue of our Chapter. For this reason, the John Muir Chapter of the Sierra Club strongly supports AB 899, which calls for the creation of fair, statewide standards for the development of clean, renewable wind energy in our state. We can not possibly hope to "balance the equation" of meeting critical goals of decreasing global warming pollution by 80% by 2050 or obtaining at least 10% of our energy from renewable sources by 2015 without large-scale development of wind power. If we fail to meet these goals, increased temperatures and changes in precipitation caused by global warming will result in grave impacts to Wisconsin's ecology, public health, and economy. No energy source comes without environmental trade-offs, but we feel that impacts of the responsible development of wind energy are far less than the massive negative impacts of global warming pollution. These impacts will intensify if we continue to rely on coal to meet 80% of the state's energy needs. The Sierra Club further believes that potential negative impacts to wildlife of wind energy systems can be substantially mitigated through careful siting and modern technology.

As a grassroots organization, the John Muir Chapter is pleased to see that this bill will allow local units of government to continue as the primary reviewer of large wind energy systems that are one to one hundred megawatts in size. Uniform statewide standards that will be included in AB 899 will address issues of concern to local communities, including visual appearance, setback distances, decibel levels, and interference with radio, television and telephone signals. The John Muir Chapter is also reassured to see that AB 899 includes opportunities for stakeholders to provide input on uniform statewide wind energy standards, and mechanisms for appeals are available. We sincerely hope you will support this common sense legislation, which will stop delaying us from starting Wisconsin down the path towards a renewable energy future.

March 4, 2008

based in Milwaukee, WI
The Sisters of St. Francis of Assisi, a congregation of women religious, recently took a stand to work individually and collectively to address the threat of global warming / climate change. Given this stance, we are committed to renewable energy production that creates minimal or no greenhouse gases.

However, research shows that even such seemingly benign renewable energy sources as wind power must take into consideration any possible adverse effects on human health and safety or on the local environment. This is one reason why we stand in opposition to any state legislation that would give authority to the Public Service Commission to create minimal restrictions as to such matters as sound, vibration, and setback distances, etc.

We are also concerned that such state legislation would take authority away from local governmental bodies that ought to be most in touch with the needs and desires of the local citizenry.

Finally, we are very concerned that a hearing on this important matter was scheduled with such short notice. It makes it appear that public input is not welcomed by those who have something to gain by such legislation.

Irene Senn

Director, Office of Justice, Peace & Integrity of Creation

3221 So Lake Dr.

Milwaukee, WI 53235

Testimony concerning AB 899

3-4-08

Representative Phil Montgomery
Chairman Energy and Utilities Committee

I am contacting you to recommend **not** supporting AB 899 for the remainder of this legislative session. I oppose this Bill for several reasons.

1. This bill has had no public input from the citizens that will be most effected by it.
2. It takes away local governments' authority to regulate.
3. The Public Service Commission (PSC) has not demonstrated that they can or want to do this siting in a way that protects public health and safety. The model ordinance they have now is not backed up with any medical, scientific data. It was written by wind developers.
4. They have tried to over simplify its impact by using the power plant and animal siting as an example. This bill will give control of 500,000 + acres of private land to an agency that does not have one elected official.
5. The PSC has not demonstrated the level of responsibility required to have control of this much private land. They require 80 acres per turbine times the proposed 5000 units. This does not include property owned by nonparticipating landowners.
6. Wisconsin does not have a good wind resource. We have always been a class 2 wind area.

This issue is so important it needs to be addressed by a Legislative Council study.

Elected officials at all levels have an intrinsic responsibility to protect the citizens that have elected them. This needs to extend to protecting some people from themselves. Who will landowners turn to for help when they discover they have been deceived by the PSC and a wind developer?

Thank you for your consideration.

Regard,

Jim Bembinster
Town of Union, Rock Co.
608-201-1050

The issue at hand is who is responsible for regulating the wind energy systems in regard to Health and Safety. At this time, the only authority that local government has in regulating wind energy systems is to 'preserve or protect the public health or safety'. This Bill will take this authority away from the local government and put it in the hands of the Public Service Commission.

I am opposed to this change in regulation for the following reasons:

- Local government officials have invested much time in researching the issues of health and safety of wind energy systems and have discovered there are legitimate issues, along with scientific and clinical studies available to back up these issues.
- Local ordinances are being established that follow the existing state statutes, but do not favor the wind industry. Ignoring these health and safety issues is not in the best interest of the public.
- The PSC has written a 'Wisconsin Model Wind Ordinance for Towns/Counties' that does not 'preserve or protect the public health or safety' of our citizens. To the best of my knowledge, this model was developed by an electric company with little or no input from un-biased and experienced professionals neither from the Institute of Noise Control Engineers nor from the medical community.
- If the legislature is going to take away the authority of local governments to regulate the health and safety of wind energy systems, they should hold hearings on the health effects and set the standards for setbacks. To give this power to the PSC without these hearings and professional input will be detrimental to the citizens that will be subjected to these power plants.
- If the goal of this bill is to provide consistency of regulation in the siting of Wind Turbines, the regulations should preserve and protect the public health and safety. Adopting a statewide ordinance would accomplish this, but the PSC is biased toward the wind energy industry and is not the source to develop this ordinance. The legislature should not delegate this important task. An alternative would be for the state to adopt an ordinance that has been thoroughly researched and has scientific substantiation. The Town of Union Ordinance is a good example.
- There seems to be a hurry to pass this legislation. I believe that the sooner projects are approved, the less time the truth has to come out about the health effects before the public realizes these systems should not be built near populated areas.

Kurt Bartlett

Kurt Bartlett
1st Town Supervisor
Town of Magnolia, WI

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Brodhead, WI
608-333-4654
bartkab@mailbag.com

March 4, 2008

Dear Honorable Members of the State Senate and Assembly,

I have had the opportunity to review the draft bill concerning the regulation of wind energy systems. In its review, I find a number of issues that concern me.

As we are becoming more and more knowledgeable of wind issues, a number of health and safety concerns have arisen. Citizens of our Town of Brothertown and throughout Calumet County have learned a great deal this past year. We have come to realize that there truly are health issues with wind turbines.

The State model guidelines are very inadequate in addressing these concerns. The 1000' separation distance between turbines and residences is one. Another is the 50 decibel noise level. The public records request from the Town of Union (Rock County) of the State records revealed the minimal effort that went into the present law. It also revealed that the model ordinance was formulated by an advocate of wind energy.

As more projects become reality and people have experienced their impacts, we all will know more. Already studies based on science are indicating that much greater setbacks are needed as well as lower noise levels.

It appears that this bill will put the State Public Service Commission in full command and the political subdivisions of the state will have little to say. This is certainly contrary to what you have preached in the past. You have passed legislation such as the "Smart Growth Law" to encourage good land use planning and zoning to be handled at the local level. Well here you are proposing that the State take the lead.

There is also great fear that this legislation is moving much too fast. There was earlier discussion that there should be a legislative council study done on the issue. This study would provide much greater opportunity for input from the public and public officials instead of one public hearing at Madison. You are subject to significant criticism with this approach. An interesting article in the Milwaukee Journal Sentinel by Mr. Patrick McIlheran states "Interestingly, the windmill lobby's attitude seems old school, a throwback to the get-out-of-the-way ethic under which nuclear power plants and big dams once were built. Society is not that brusque anymore, since putting up another power plant wasn't that much of a national emergency." He ends his column by stating "Either way, if wind energy is good—and it is—it's worth doing in a way people can live with."

My hope and trust is that you as members of the State Legislature will act on this bill in a way that we can live with.

Thank you,
DuWayne Klessig

DuWayne Klessig
#1860 S. Town Hall Rd
Chilton, WI 53014

March 3, 2008

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Representative Montgomery,

I am writing regarding Bill AB 899 on Wind Permitting Reform.

Twenty one states have more installed wind capacity than Wisconsin. Absent coherent national energy policy, other states have quickly responded to the dangers of global warming and rising energy costs by encouraging wind development, regarded as the most modular cost-effective renewable energy technology. Wisconsin's wind projects, at scales both at the wind farm level and at the individual consumer level typically have to traverse a permitting gauntlet that can be years in duration. Wisconsin's statutes concerning wind permitting are frequently ignored or subverted by local zoning processes.

Wisconsin's stated energy policy, including its Renewable Portfolio Standard, is in direct conflict with permitting practices in many areas of the state.

The fact that small wind turbines for residences or farms are frequently treated with as hostile a reception as megawatt scale turbines speaks to a permitting environment in many Wisconsin jurisdictions that no longer examines the merits of permitting with a balanced perspective.

There has been a wave of investment in manufacturing facilities and services across the country, including in states that do not have a large wind resource. Wisconsin is certainly missing out on additional returns including lower pollution costs, creation of new technology employment and growing income for those communities in which wind farms are installed.

To address the need for Wisconsin to move forward in meeting the energy challenges that are already upon us, Assembly Bill 899 reduces the most egregious impediments to uniform regulation and permitting of wind energy projects in Wisconsin. There is a recent precedent for the recommended siting reforms in 2003 Wisconsin Act 235 - Livestock Siting and Expansion.

In conclusion, I support Assembly Bill 899 because it creates a more impartial regulatory approach, establishing the conditions for permitting standards that are uniformly applied by local governments to all wind energy projects, regardless of size and location.

Sincerely,

Shelly Laffin
P. O. Box 687
Spring Green, WI 53588

February 28, 2008

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West
State Capitol
Madison, WI 53708

Dear Rep. Montgomery:

I wish to write to you regarding the bill on Wind Energy Permitting Reform.

This bill is needed to help usher in an era of clean renewable energy that supports Wisconsin's economy and spreads the benefit of wind energy to a wider range of Wisconsin's citizens. Under current law, the Public Service Commission of Wisconsin has permitting authority for energy project 100 MW and over. At less than 100 MW, local authorities have permitting jurisdiction. For wind projects of less than 100 MW, local authorities have been creating a patchwork of rules, decisions, and road blocks that frequently rely on dubious claims and general ignorance of wind energy.

The proposed legislation will not interfere with local authorities' permitting under current state law. Current state law gives local authorities the ability to make permitting decisions based on public health and safety. However, when local authorities go beyond public health and safety or use misguided understandings of wind energy to make decisions, there is no recourse for project stakeholders to pursue, other than via expensive lawsuits. The result has been the effective moratorium on wind developments that do meet the standard of protecting public health or safety. The bill before the committee provides for process to develop siting standards for wind energy. The process of making the standards will be open to all stakeholders, both for and against wind. It is an example of democracy at its finest.

The current bill will allow for an appeals process to the Public Service Commission of Wisconsin for wind projects over 1 MW in capacity. The Public Service Commission will provide a forum for all project stakeholders to make a case for or against a permitting decision. This neutral forum will help direct a rational approach to a permitting decision that allows for scientific information to be considered, insulated against misinformation. The siting standards and appeals process will create an environment that is conducive to rational discourse, with fewer decisions being made on fear and misunderstanding.

As it stands now, Wisconsin is missing out on \$800 million of investment, and \$1,600,000 in annual payments to local governments. This is due to the misinformed decisions by many local permitting authorities who have instituted effective moratoriums on wind energy development. No other industry in the state has been so treated and I find it appalling that an industry promising clean renewable energy, jobs, and revenue is being prevented from growing in the state. Wisconsin has very few energy resources other than wind, solar, biomass and water. As a result Wisconsin must import vast quantities of energy, exporting billions of dollars from the economy each year. The multiplier effect of keeping these dollars in the state, by developing our own energy resources, will provide an additional boost to Wisconsin's economy. Wind energy aligns with State policy to deliver 10 percent of Wisconsin's electricity with renewable energy. The delays and cost overruns caused by the current permitting environment are robbing Wisconsin of a promising future. The bill before the committee will help rectify the situation while still allowing for a protection of public health and safety. The bill is an example of all the best that is Wisconsin.

Sincerely,

Richard Hasselman
3819 Winnemac Ave.
Madison, WI 53711



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

My name is Chris Deisinger. I am appearing on behalf of the Union of Concerned Scientists. The Union of Concerned Scientists, an alliance of more than 250,000 citizens and scientists is the leading science-based non-profit working for a healthier environment and a safer world. The UCS Clean Energy program works to advance renewable energy solutions that are both environmentally and economically sustainable.

The Union of Concerned Scientists has long advocated for greater use of wind-energy as one of the most environmentally benign and safest sources of electric power. We also recognize the value that wind holds for economic development and job creation in Wisconsin. In fact, UCS partnered with the state of Wisconsin to analyze the benefits of increasing the portion of the state's electric power supplied from renewable energy to the level currently set in law of 10% by 2015 [Wisconsin Act 141]. Our [March 2006] analysis found that 1,750 megawatts (MW) of new renewable capacity would be needed to meet the 2015 requirement and nearly 95% of this capacity would come from wind power installed in Wisconsin.

The benefits were clear in terms of reduction in the use of imported coal and natural gas, reductions in global warming emissions equivalent to taking 800,000 cars off the road and economic stimulus. The analysis showed that fulfilling most of the 10% renewable standard with Wisconsin windpower would create 2,160 new jobs in manufacturing, construction, operations and maintenance - 960 more jobs than relying on imported fossil energy. Rural communities would benefit from \$31 million in property tax revenues and \$22 million in lease payments to farmers and rural landowners.

However, this scenario of a clean, green and 21st century energy future in Wisconsin has been threatened by a dysfunctional wind-siting process that empowers opponents without regard to the actual science, experience and potential for environmentally safe development of wind. Approximately 400 MW of planned developments are now stalled, representing \$800 million in investment and \$1,600,000 a year in payments to local governments.

Because the Public Service Commission currently has authority to review siting and permit energy projects of 100 MW and more, the current system disadvantages smaller wind projects that might be subject to arbitrarily enforced restrictions on a local level. The current situation is especially a problem for projects proposed by community based groups whose shareholders and participants may not have the means to either upsize their projects - as some developers have done to bypass local authority - or to engage in a protracted legal process. Community based projects, which are common in places like Minnesota and Iowa, have even more potential to share the benefits of windpower through shared ownership.

The Union of Concerned Scientists supports Assembly Bill 899 because it would clarify and rationalize the wind siting and development process while protecting safety, the environment and



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

community interests. It would do so by having the Public Service Commission establish uniform standards, which would apply to permitting wind facilities, after a process open to input from all parties. Local jurisdiction would retain their authority to permit under these standards but there would be an understood and reasonable timetable as well as the right for any party to appeal.

This is a sensible process, one that can establish reasonable and necessary guidelines to protect public health and safety, while allowing Wisconsin to grow its economy and achieve a cleaner energy future.

Thank you,

Chris Deisinger
For the Union of Concerned Scientists
c/o Syntropy Energy
222 S. Hamilton St., Suite 14
Madison, WI 53713
(608) 661-9009

February 28, 2008

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Rep. Montgomery:

I am writing regarding the bill on Wind Permitting Reform.

Under current law, the Public Service Commission has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. The proposed legislation would not change the threshold that triggers PSC pre-emption authority. Local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and no statute grants the PSC explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.

The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality. As a consequence, approximately 400 MW of planned wind developments, representing \$800 million in investment and \$1,600,000 per year in payments to local governments, are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.

The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions. The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process provides developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.

Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest impediment to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

Sincerely,

Gerald K. Flakas
293 Fieldstone Road
Delafield, WI 53018

Clay Banks Citizens for Responsible Wind Energy
1440 County Road U, Sturgeon Bay WI 54235

March 3, 2008

To: Representative Phil Montgomery, Chairman and Committee Members
ASSEMBLY COMMITTEE on ENERGY & UTILITIES

Senator Jeffrey Plale, Chairman and Committee Members
SENATE COMMITTEE on COMMERCE, UTILITIES & RAIL

From: Jeanne Dimick-Rego
MEMBER - CLAY BANKS CITIZENS FOR RESPONSIBLE WIND ENERGY
DOOR COUNTY, WISCONSIN

Dear Representative Montgomery, Senator Plale and Committee Members:

Below is my written testimony in opposition of proposed Assembly Bill 899 and Senate Bill 544.

I am a member of the Clay Banks Citizens for Responsible Wind Energy and I coordinated an advisory petition effort in late April 2007 in the Township of Clay Banks opposing commercial wind turbines because of their adverse and negative impacts on those that must co-exist close to them. We have 228 signatures on file from full and part time residents and these have been presented to the Clay Banks Town Board. We collected 183 signatures alone the first weekend. The remainder of these signatures were received from packets we left at residences to mail to me and a mailing effort in July to part time residents whose permanent residences are not in Clay Banks. All those who have signed this petition overwhelmingly support the Clay Banks Town Board and their appointment of the Clay Bank Wind Energy Committee to craft and put in place a wind energy ordinance for our township.

We are only minutes away from the Township of Lincoln in Kewaunee County and understand all too well the negative impacts commercial wind turbines have had there. Individuals in Lincoln Township have had to deal with the loud thumping noises and strobe effects from the rotating blades. Noise and strobing causes headaches and migraines, sleeplessness, sympathetic heart rhythms - just to name a few health problems. For some individuals where remedial measures to shield them from the noise and strobing failed, finally had their homes purchased and razed by WI Public Service. Others felt the need to pursue legal action against WI Public Service for remedial measures. Still others have wished to move from Lincoln Township, but are unable to sell their homes because families will not even consider their homes because of their close proximity to the wind farms. Most people work all their lives to live in the community of their choice. A home and property are also for a majority of us, our largest financial nest egg. We in Clay Banks did not relish the idea of a similar outcome here. This is too much for the State and PSC to ask of the regular person. By removing the siting control of wind farms from local governments, the very individuals we the electorate put in place, are not able to protect the well being of our own communities.

In following the development of the Clay Bank Wind Ordinance, much public input and testimony for the Clay Banks Ordinance was based on credible and scientific sources: i.e. WHO (World Health Organization), National Academy of Sciences and the EPA. Wind sponsored studies were also used for references including 'Permitting of Wind Energy Facilities', 'NYS Energy Research & Development Authority', and 'Technical Considerations in Siting Wind Development' to name a few. The Clay Bank Wind Energy Committee used all the resources I mentioned, as well as others, to establish noise standards and set backs of 1/2 mile in the Clay Banks Wind Energy Ordinance from any inhabited structure. With all this publicly provided testimony and the local wind developer having first hand knowledge of these facts and resources along with the citizens in attendance at these committee meetings, NOT ONCE did the local wind developer present a counter study to dispute the facts or source materials presented and used by the Clay Banks Wind Energy Committee - is this because they could not?

I strongly encourage that you do not approve the wind siting reform proposed by the PSC. I do not want my local government body to loose control of their ability to craft and enforce ordinances including an ordinance for wind siting that protects my well being. I believe the Clay Banks Town Board and their Wind Energy Committee have done thorough and responsible research over the past nine (9) months to craft the Clay Banks Wind Energy Ordinance. The Clay Banks Wind Energy Committee consists of current and past town board members, a structural engineer, environmental engineer, physics major and an emergency services member.

Our local wind developer has complained loudly that no other industry is held to the same high standards being placed on them by local governments as they are to develop these wind turbines/farms. **Truth is in fact other energy facilities are held to high standards.** Today neither a coal, natural gas or nuclear power plant would be allowed to be built 1000' from an inhabited structure and be expected co-exist with it for 20-30 years. Long and short of it is these wind turbines and farms are an energy generation system and they do create noise and light pollution from the rotating blades. I also seriously question that there are enough transmission lines in place in the State of Wisconsin for large scale wind farm development to connect and tap into.

Am I for renewable energy - **YES - absolutely.** It just needs to be done **responsibly** with sound scientific studies being used for proper noise levels and set back standards from inhabited structures. I respectfully encourage a common sense approach for the development of renewable energy in Wisconsin using a credentialed citizen's panel like the Township of Clay Banks.

Thank you for reviewing my written testimony.

Sincerely,
Jeanne Dimick-Rego
Member - Clay Banks Citizens for Responsible Wind Energy

Jeanne Dimick-Rego
1440 County Road U
Sturgeon Bay WI 54235
Tele: 920-743-5327

3/3/2008

Dear Representative

I am asking that you do not pass AB899 (Wind turbine siting reform). There is no question the wind industry is being self-regulated by the wind turbine companies themselves and it is time to put an end to this. It would be inexcusable to take away a local government's power to have any say about where industrial wind turbines can be placed in their community.

Wind is not the only renewable. It is however, the renewable that is taking our tax dollars and throwing them away. We all know the only reason these projects are being rushed through, are so the energy companies can reap the tax incentives from the state and federal governments.

job creation
Let us give the tax breaks to the citizens of this country, for making their homes more energy efficient, to improve their quality of life. Give tax credits to our own citizens for the purchase of energy efficient appliances and furnaces, for replacing the windows in homes, and adding insulation. Give tax credits to homeowners who install solar panels or use geo thermal to heat their homes. By giving these tax credits to citizens of this country, and allowing them to make their homes more energy efficient, would lower heating costs, and allow this money to be spent, in this country, and not sending it elsewhere, and it would not violate our rights as property owners.

These tax credits could also be used to encourage rental property owners, who sometimes, because of costs, are not able to take care of their properties, and therefore they or their renters are paying high heating costs. Give these landlords tax credits to help them make these rental properties more energy efficient, thereby reduce energy consumption. A tax credit could be given to help business owners upgrade windows, insulation, and furnaces to make their commercial buildings more energy efficient, thereby reduces their heating costs and allowing them more profit to put back into their business, which could eventually be passed on to employees. We should be using these tax dollars to benefit the citizens of this country. This, to me makes more sense than spending an exorbitant amount of money, to use inefficient turbines to harness wind, that will only be operating about 22% of the time, when making homes more energy efficient will be on the job 24/7.

We need renewable energy choices that help the consumer directly and that do not take away our property rights and we must leave control with local governments.

Local government bodies and citizens have joined together in a democratic way and painstakingly spent countless hours doing the research that the state failed to do when creating its "DRAFT" Model Wind Ordinance. (Please read the minutes from the meetings that were held when creating the Draft Model Ordinance. An open records request reveals no scientific or medical data was used to determine Wisconsin's recommended 1000ft setback). The Wisconsin State Model Ordinance is not worth the paper it is written on. The recommended setbacks were for much smaller turbines, and it was written with the help of members from the wind turbine industry. These local committees have done a tremendous job of researching and coming up with rules that do a much better job to protect public health and safety.

All landowners must be treated with equal respect. To place the financial interests of a few, over the health, safety, and property rights of many, is wrong. Just because a landowner wants to host a turbine, does not make it a done deal. A neighboring property owner does not have the right to encroach and trespass upon your property by using it as a safety-buffer zone for the negative effects of their turbine. Adequate setbacks must be from property lines to insure a landowner can be safe or build safe anywhere on his or her property. I would like to know, in what other situation is a landowner allowed to trespass and expand his or her property rights over to another landowner's property? Not all locations are suitable for industrial wind turbines.

While it is necessary and admirable to want to save the environment, we cannot endanger the health, safety and quality of life, of the residents of this country in the process. It is the duty of this state to protect the health and safety of its citizens. You set the rules to protect health and safety, and those rules will determine where turbines can be located.

The research that these committees have done proves that there is scientific and medical evidence that turbines must be sited at least half a mile away from a home to protect public health and safety.

I may or may not be in your district, but this bill you will be voting affects not only your constituents, but also all of the taxpayers in Wisconsin.

Lynn Korinek
1316 Rockledge Rd
Mishicot, WI 54228
920-901-7488

March 4, 2008

To the Committee on Energy and Utilities:

This letter is in response to the bill being introduced on wind energy. According to the bill, the power to make decisions concerning the siting of wind turbines will be through the Public service Commission. This bill will take away the power from our local towns and counties to make our own decisions.

My name is Lisa Elsner. With my husband, we own and operate a dairy farm in the Town o Lessor in Shawano County. Shawano County formed a committee with 10 to 12 people from different areas of the county to work on and study wind turbines. This committee helped to establish the Wind Energy Conversion System Ordinance for Shawano County. Shawano County adopted the ordinance on June 22, 2005. The people on this committee volunteered their time and effort. On this committee were two people whose field was the installation, repair, and testing of electrical generation systems and distribution systems. The committee was very careful, checking and rechecking information; they did their homework. After all, everything the committee decides about wind turbines will affect the many people who live in Shawano County, including themselves.

The Public Service Commission is an advocate of wind energy. My husband and I also believe wind energy can be good. But wind farms are industrial facilities and local government should be the ones to decide if these wind turbines are appropriate in their communities and how and where they should be situated. The people who live in these areas where wind turbines are proposed to be built know and understand their land. Many of us have lived here most of our lives. We know what will fit in our communities and if it will be compatible with the land and the people who live there. The Public Service Commission does not understand how their decisions will impact rural communities. They just want to reach the goal for Wisconsin to generate 10% of its power from renewable energy by 2015.

Renewable does not mean the whole 10% has to all come from wind energy. Methane digesters are becoming more common and they are even being adapted to work on smaller farms. In some counties, such as Shawano, where there are many dairy farms, this could become a viable option for

renewable energy. Manure is a constant source that is always available on any animal based farm, versus a wind turbine which relies on the wind to blow to produce energy.

All I'm saying is that certain areas are more suitable for wind turbines and wind farms than others. Please let the local government be the ones to decide on what happens in their communities. We have to live here. Don't take away our power and rights to decide what happens to us.

Thank you,

Lisa Elsner + Family

Lisa Elsner

N683 Lawn Road

Seymour, WI 54165

We are James and Cheryl Congdon. We live at N7991 Schwarze Road, Horicon, Wisconsin. We do not live in a wind energy project but near one. We are members of an organization which has fought the approval of the Forward Wind Project in Dodge and Fond du Lac Counties since its inception because the current siting standards did not protect the Horicon National Wildlife Refuge or the residents of this very large project. We are opposed to AB899 and SB544 which will take away the right of local governments to protect the health, safety and property values of their citizens. These bills, which are being pushed by the wind energy industry and their lackies such as RENEW, are attempts to take away the rights of residents of proposed project areas so that they can bribe and force their projects on those who live in the project area.

Wind energy systems should be based on siting standards that are science based to protect the health and safety of people living in the project area, and in the case of the Forward Wind Project, important wildlife resources. We are opposed to siting standards that we fear will result from these bills. We fear that siting standards resulting from this legislation will be replicas of the state model wind energy ordinance which has neither science nor legal basis, and does not have adequate setback requirements to protect health, and certainly not wildlife or aesthetic concerns. We all know that this model was written by lobbyists for the wind energy industry.

When we learned there was a wind energy project proposed for our area, we attended all the informational meetings. We listened to the sales pitch by Invenergy. The more we listened, we began to question what we were hearing. At one of the open houses, sponsored by Invenergy, we spoke at length with one of the Public Service Commission's environmental staff about the noise and blade flicker concerns. That staff person concluded his discussion with my wife and me saying, "I wouldn't want one of these things near my home!" As our organization continued to research wind energy siting issues we became convinced that the siting standards in the model ordinance did not protect health and safety, and were obviously written to not allow other concerns such as wildlife and aesthetics to be considered. We were told that state statutes did not even allow us to speak to wildlife and aesthetic concerns. We oppose this legislation that will likely result in similar standards being imposed over local government authority.

I am a resource management professional with 40 years of environmental management experience. I am not an uninformed NIMBY as Senator Plale characterized those who oppose wind energy when he was on public radio a week ago. I am a very informed citizen, though I do not profess to be an expert on wind energy health and safety issues. I have done much reading and listened to many informed, knowledgeable researchers and health authorities. What I have learned about health concerns from wind energy turbines strongly contradicts what we are told by wind energy proponents. If siting standards for wind energy are to be created, they should be developed by a study committee with balanced representation including wind energy experts who do not agree with the propaganda of the wind energy companies. The local governments who have taken the time to carefully research wind energy concerns have all developed or proposed siting standards much more restrictive than the state model ordinance. The State of Wisconsin should follow their lead and carefully research these issues before creating siting standards that override local authority and do not truly protect health, safety, wildlife resources and aesthetics. These concerned citizens are not uninformed NIMBYS.

We urge that AB899 and SB544 not be approved by this committee.

Wisconsin Interfaith Climate & Energy Campaign

March 4, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

The Wisconsin Interfaith Climate and Energy Campaign supports legislation to reform the current process for siting and permitting wind developments in Wisconsin. Wind power is an essential source of clean, safe and affordable renewable energy for Wisconsin that will bolster our economy while also reducing global warming pollution.



119 South Main Street | PO Box 128 | Cottage Grove, Wisconsin 53527-0128
Ph: 608.839.1998 | Fax: 608.839.1995

www.nrc-inc.net

March 4, 2008

Senator Jeff Plale

Chairman, Senate Committee on Commerce, Utilities and Rail

Room 313 South, State Capitol

Madison, WI 53708

Representative Phil Montgomery

Chairman, Assembly Committee on Energy and Utilities

Room 129 West, State Capitol

Madison, WI 53708

RE: Wind Permitting Reform Legislation

Dear Senator Plale and Representative Montgomery:

Under current law, the Public Service Commission has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. The proposed legislation would not change the threshold that triggers PSC pre-emption authority.

Under current law, local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and no statute grants the PSC explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.

The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development, unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality and Wisconsin experience. As a consequence, approximately 400 MW of planned wind developments, representing \$800 million in investment and \$1,600,000 per year in payments to local governments, are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.

The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including

groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.

The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process provides developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.

Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

This legislation requires the Public Service Commission to set uniform standards for local units of government to apply in permitting wind turbines in Wisconsin. In this proceeding as well as all other proceedings, the Commission has the responsibility of implementing state energy policy while protecting public health and safety. This legislation does not dictate what those standards must be. The Commission will set those standards based on both Wisconsin wind generation experience and relevant scientific analysis available from other sources.

This legislation is the product of compromise between the wind industry, local government associations, a broad spectrum of energy stakeholders and the executive branch. The parties came together to fashion a framework that balances the interests of the state with the desire to preserve local permitting authority. This new framework ensures greater certainty to the wind industry while preserving for local governments the authority to review and make decisions on wind energy projects.

As written, the legislation would not place any limitations on appeal rights to the Public Service Commission. The ability to appeal a decision by the reviewing local government is open to developers, host landowners and neighboring residences.

Therefore, the owners of Natural Resources Consulting, Inc. support the wind permitting reform legislation.

Sincerely,


Natural Resources Consulting, Inc.



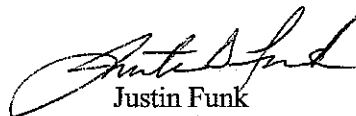
Scott Storlid
Principal Scientist/President



Jeff Kraemer
Associate Principal Scientist



William Poole
Principal Scientist



Justin Funk
Associate Principal Scientist



Brian Karczewski
Principal Scientist



119 South Main Street | PO Box 128 | Cottage Grove, Wisconsin 53527-0128
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www.nrc-inc.net

February 27, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery:

This letter is in support of the Wind Permitting Reform Legislation being proposed in Wisconsin. The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.

Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

Thank you for your attention on this very important Statewide topic.

Sincerely,

Natural Resources Consulting, Inc.

Jon H. Guntow, PWS, PSS
Principal Scientist



midwest
renewable energy
association

February 26, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708


Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

The Midwest Renewable Energy Association would like to express our support for the Campaign for Sensible Wind Permitting. The proposed wind site reform legislation would provide a solid foundation for renewable energy growth in Wisconsin. We support the legislation for the following reasons:

1. Under current law, the Public Service Commission has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. The proposed legislation would not change the threshold that triggers PSC pre-emption authority.
2. Under current law, local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and no statute grants the PSC explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.
3. The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development, unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality and Wisconsin experience. As a consequence, approximately 400 MW of planned wind developments, representing \$800 million in investment and \$1,600,000 per year in payments to local governments, are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.
4. The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.
5. The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process provide developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.
6. Wind is the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet Wisconsin's 10% statewide target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

Sincerely,
Tehri Parker, Executive Director

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www.the-mrea.org

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March 3, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Please support AB 899/SB 544

I am asking for your support to the two above mentioned bills to set uniform standards for local units of government to apply in permitting wind turbines in Wisconsin.

Wind energy sites in Wisconsin are spread among many counties and areas of different local review and approval. A statewide framework needs to be put in place in order to help facilitate standard practices in the process of siting wind farms.

Thank you for your favorable consideration to this important tool in helping Wisconsin attain a self-sufficient future.

Sincerely,

Michael J. Palm
Development Program Manager
MSA Professional Services
1230 South Boulevard
Baraboo Wisconsin, 53913
608-355-8918 (direct)
608-963-4018 (cell)
1-800-362-4505
608-356-2770 (fax)
mikep@msa-ps.com



EcoEnergy Wind
211 S. Paterson St., Suite 380
Madison, WI 53703
Phone : 815-266-4272
Fax : 815-266-8972

2/28/2008

Representative Phil Montgomery
Chairman Assembly Committee on Energy and Utilities
Room 129 West, State Capital
Madison, WI 53708

RE: Wind Permitting Reform

Dear Representative Montgomery:

I am writing to encourage the passage of the proposed legislation for wind permitting reform. Our business, and many others in Wisconsin, have grown and are prospering in a time of economic downturn. We have opened offices in Madison in 2007 and now have a staff of ten people working from Madison to develop renewable energy projects in Wisconsin.

This growth cannot continue in Wisconsin without some reasonable and uniform siting requirements for wind projects.

Our projects, and others face uncertainty in obtaining permits, and face an increasing number of townships and counties adopting regulations that prohibit economically viable wind projects (a violation of Wisconsin Statute 66.0401).

Wind is Wisconsin's greatest renewable energy asset in today's economy. Wind generated electricity is price competitive with other new power plants being constructed today in Wisconsin, AND it offers the benefit of no new emissions, water usage, and minimal land use.

Wisconsin can meet 20% of its electrical needs within the next fifteen years with the installation of an additional 4000MW of wind projects, taking fewer than 2000 acres out of agricultural use while providing the energy equivalent of the state's nuclear power plants.

Yes, we understand these projects have impacts, and we work to design the best possible projects to minimize any impacts to the communities other than the positive ones of jobs, tax revenues, and local and clean renewable power.

Thanks for your consideration of this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Slaymaker".

Wes Slaymaker, P.E.
VP Wind Development

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Wisconsin Utilities Association

To: Wisconsin Legislature

From: Bill Skewes, Executive Director
Wisconsin Utilities Association

Re: Support for AB 899

Date: March 5, 2008

A handwritten signature in blue ink, appearing to be 'BS', is written over the 'From' line of the letterhead.

On behalf of Wisconsin's investor-owned gas and electric utilities, the **Wisconsin Utilities Association (WUA) supports AB 899**, relating to requiring local regulation of a wind energy system to be consistent with state rules established by the Public Service Commission of Wisconsin.

As you may know, this bill establishes uniform state standards for local governments to follow when permitting wind generation facilities. **WUA supports this bill because it will help Wisconsin utilities comply with state-mandated standards that require 10% of their electricity sales by 2015 to come from renewable sources under 2006 WI Act 141.**

Wisconsin utilities supported efforts by the Governor and Legislature to increase our renewable energy capacity, known as the Renewable Portfolio Standard (RPS) and they continue to seek ways to lessen our reliance on fossil fuels to meet growing customer demand for electricity.

However, increasing opposition by local landowner groups and the pressure put on local government bodies to restrict development of wind resources have made it extremely difficult for energy providers to simply comply with the law. AB 899 will help provide uniformity of regulation across state jurisdictions, while retaining or establishing critical safeguards of appeals, public participation and application processes for all parties.

Please support passage of AB 899.

**Wisconsin
Manufacturers
& Commerce**

Wisconsin Manufacturers'
Association • 1911
Wisconsin Council
of Safety • 1923
Wisconsin State Chamber
of Commerce • 1929

James S. Haney
President

James A. Buchen
Vice President
Government Relations

James R. Morgan
Vice President
Marketing & Membership

Michael R. Shoyk
Vice President
Administration

To: Chairperson Phil Montgomery
Members of the Assembly Committee on Energy and Utilities
Chairperson Jeffrey Plale
Members of the Senate Committee on Commerce, Utilities and
Rail

From: R.J. Pirlot, Director of Legislative Relations

Date: March 4, 2008

Subject: **Support for AB 899 and SB 544**, requiring that local regulation
of a wind energy system be consistent with Public Service
Commission rules.

Wisconsin Manufacturers & Commerce (WMC) is the largest representative of Wisconsin employers. Our membership is a broad cross-section of the state's economic activity and our members employ approximately one-quarter of the state's workforce. Because electricity keeps our stores open, factories running, and payrolls being made, WMC is keenly interested in the state's energy policies, with an eye towards helping to keep access to electricity reliable and affordable.

The Public Service Commission has permitting authority over all power plants in excess of 100 MW, including wind energy power plants. Local units of government have permitting authority over all power plants under 100 MW, including wind energy power plants. Unfortunately, agreed-upon standards do not exist for local units of government exercising their permitting authority for such power plants. Some local units of government have imposed expensive, time-consuming and scientifically unjustified restrictions on the development of wind energy power plants. As a result, installation of approximately 400 MW of wind energy power plants is stalled in Wisconsin.

AB 899 and SB 544 would require the Public Service Commission, by rule, to promulgate uniform standards to apply to wind energy power plant sitings. Local units of government would then apply these uniform standards as they consider wind energy power plant sitings.

Wisconsin faces several challenges with respect to energy and, ultimately, the state's long-term economic health. Energy, a basic component of our economy, cannot be taken for granted. Our state's energy use is growing and we now import, over existing power lines, more than 15 percent of our electricity. For most Wisconsin manufacturers, a key issue is maintaining certainty over energy supply reliability, while meeting energy demands in the most efficient and cost-effective manner possible.

WMC is devoted to making Wisconsin a great place in which to work, live and do business. While many, many factors contribute to a good business climate — such as low taxes, a predictable and consistent regulatory climate, reasonable health care costs — no one can argue that access to reliable, competitively-priced electricity is an absolute necessity for our jobs and our economy.

As such, WMC respectfully requests you support Assembly Bill 899 and Senate Bill 544.



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Waunakee
Waupun
Westby
Whitehall
Wisconsin Dells
Wisconsin Rapids
Wonewoc

TO: Assembly Energy & Utilities Committee Members

FROM: Scott J. Meske, Associate Director

DATE: March 4, 2008

RE: **MEUW Support of Assembly Bill 899**

On behalf of the 82 public power utilities and communities in Wisconsin, we respectfully ask that Assembly Bill 899 be given a favorable vote out of the Committee.

We believe this legislation is the right mix of state oversight without loss of local control. The wind siting legislation is a result of many groups and individuals working together toward a common goal.

The Governor's Task Force on Global Warming and Climate Change will soon issue their final report. Without question one of the pieces in that report is an increased reliance on energy conservation along with a continued search for affordable, accessible renewable energy sources. AB 899 would help Wisconsin continue to be a leader in this part of the country for sustainability, renewable energy usage and reduced air emissions.

We applaud and appreciate the authors' efforts to bring AB 899 to this point and urge its passage by the full Assembly. Thank you for your consideration. Feel free to contact me or MEUW's Associate Director, Scott Meske at (608) 837-2263.

cc: Governor Doyle's Office

STATEMENT OF MICHAEL J. DONAHUE
EXECUTIVE VICE PRESIDENT, MIDWEST WIND ENERGY, LLC
ASSEMBLY COMMITTEE ON ENERGY AND UTILITIES - MARCH 4, 2008
SENATE COMMITTEE ON COMMERCE, UTILITIES, & RAIL - MARCH 5, 2008

Mr. Chairman and members of the committee my name is Michael Donahue. I am a land use and zoning professional and I currently serve as Executive Vice President and Co-Owner of Midwest Wind Energy, a leading developer of wind power projects in the central United States. Our company developed the 54-megawatt Butler Ridge project in Dodge County, the 68-megawatt Cedar Ridge project in Fond du Lac County, and we are currently pursuing a 98-megawatt project in Calumet County.

During the hearings today you will hear several accounts of how Counties and Towns throughout the State have adopted moratoria to forestall wind farm proposals and/or adopt local ordinances that preclude wind farms from being developed altogether. Such has been our experience in Calumet County, where within the past two years we have been subject to three moratoria and never-ending ordinance amendments that have prevented our project from going forward. As a result, Midwest Wind Energy now plans to increase the project size to more than 100 megawatts and petition the Public Service Commission for approval, as approval at the local level appears impossible at this time.

Why is this happening? Well, based on our experience developing wind farms in Wisconsin the past five years my views are as follows:

Successful wind farm development is due, in part, to proper site selection where wind turbines are compatible with farming and where local community support is widespread. Ironically, such is the case in Calumet County where more than 70% of its residents support our wind power development. But, as in other rural Counties and Towns in Wisconsin, a minority of non-farming residents who choose to live in the country rise up quickly to oppose wind farms proposed in their area.

The opponents' real issue with the wind turbines is that they do not want to look at them from their rural estate homes. They refer to wind turbines as "industrial" and to wind farms as "windmill ghettos." Yet, this perspective is not shared by the majority of farmers who live in the area and do not find them visually offensive. In fact, they view harvesting the wind as a productive form of agricultural activity.

While aesthetics is the primary, if not sole, motivation behind the objectors' zeal, they quickly adjust their anti-wind campaign to focus on public health and safety issues when they learn about the restrictions imposed by Wisconsin Statute 66.0401 and realize that aesthetics is not a valid basis for their objection.

Fueled by a NIMBY mentality, this political minority uses its relative wealth, Internet savvy, and the power of the press to quickly overwhelm local elected officials with a barrage of misinformation about alleged impacts from wind turbines on public health and safety.

The list of presumed ill-effects that opponents generate quickly off the internet is mind boggling. It includes headaches, nausea, anxiety, depression, insomnia, seizures, heart attacks, various neurological disorders, and other maladies, all presumably derived from wind turbines. Mind you that none of these reputed health impacts have ever been scientifically documented nor are they supported by any facts. Yet, the opponents argue that wind turbines must be setback vast distances from homes and roads to protect the public from these so-called harmful affects.

Local government officials find themselves unprepared to respond to the bombardment of these unfounded allegations so they move to slow the process down by adopting a moratorium.

Meanwhile, the farmers who live in the area, and who overwhelmingly support the project, are relatively powerless to counter the opponents without having the means or knowledge to do so. We developers step in to defend against the allegations, but our motives are perceived as self-serving only, and the factual information we provide is often considered suspect.

Thus, the opponents are left to advance their misinformation campaign virtually unchecked. Absent any other credible evidence to the contrary, local governments react by adopting excessive setbacks and other hurdles that preclude wind turbines from being established anywhere within their jurisdiction, and the final result, unfortunately, is that no wind turbines can be built.

It is a circuitous route, but at the end of this process the opponents prevail and their views of the countryside are preserved. As it turns out all the hyperbole about health and safety was merely a means to the original end.

For this and other reasons uniform standards must be established that recognize well-established scientific facts, and which have been successfully implemented elsewhere throughout the country. Anyone who has witnessed a modern-day, state-of-the-art wind farm knows that these turbines can and do co-exist safely, peacefully, and productively in the areas where they have been established.

I ask this committee to support this bill to advance Wisconsin's renewable energy development objectives and to support Wisconsin's farming community.

Thank you.

GLENN M. STODDARD
ATTORNEY AT LAW

130 S. BARSTOW STREET
SUITE 2C
EAU CLAIRE, WI 54701

www.stoddardlawoffice.com

TELEPHONE: (715) 852-0345
FACSIMILE: (715) 852-0349
glennstoddard@charter.net

To: Assembly Committee on Energy & Utilities

Re: Opposition to AB 899 & SB 544

Date: March 4, 2008

Dear Committee Members:

Please accept this formal written testimony in opposition to AB 899 and SB 544.

I am concerned citizen, conservationist, and practicing environmental and land use attorney now based in Eau Claire, Wisconsin. I have a number of clients who are very concerned about the potential adverse public health and safety impacts, and related adverse environmental impacts, of several commercial wind energy projects now being proposed in various parts of Wisconsin. I am also currently representing the newly formed Coalition for Wisconsin Environmental Stewardship ("CWEST"), which is greatly concerned about this issue.

Additionally, I have represented a number of citizens in two different private nuisance suits against Wisconsin Public Service Corporation relative to the adverse impacts caused by its wind energy facility in the Town of Lincoln, in Kewaunee County. One of those two lawsuits has been settled confidentially while the other remains pending before the court. The case that remains pending at this time is captioned: *Joseph P. Yunk v. Wisconsin Public Service Corporation*; Kewaunee County Case No. 07-CV-107.

I am also currently representing citizens in Monroe County in litigation over three zoning conditional use permits that were approved there for a proposed wind energy project. Furthermore, I am currently representing the Town of Clay Banks in Door County, which is in the process of drafting its own wind energy ordinance consistent with the current Wis. Stat. § 66.0401.

As such, I have a great deal of experience with wind energy, land use, and related environmental and energy issues.

I oppose AB 899 and SB 544, for the following reasons:

1. **The bills would preempt and remove virtually all local control over wind energy projects.** Consequently, they would remove the ability of local governments to adopt restrictions designed to address unique local issues and concerns. This flies in the face of representative government and long-established state policies encouraging local control over land use decisions.

2. **Existing town and county ordinances would not be "grandfathered."** Instead, decisions made under those ordinances could be appealed by wind developers or others under the new law to the Wisconsin Public Service Commission ("PSC") and then on to circuit court. This would lead to more litigation and appeals which could cost towns and counties a substantial amount in legal fees and costs.
3. **The bills do not require the PSC to write rules that would protect public health and safety—let alone private and public property rights.** Since the PSC and the Governor have been actively promoting development of more renewable energy, including wind energy, it is expected that the PSC rule would be biased in favor of wind energy development and give short shrift to protection of public health and safety, property rights and property values, quality of life, local environmental concerns, town and county roads, etc.
4. **The bills do not state what "must" or "shall" be included in the PSC rule.** Instead they state what "may" be included. This gives too much discretion to the PSC and allows the agency to leave out important restrictions that are necessary to protect public health and safety, property rights, environmental concerns, etc. In fact, the bills do not actually require the PSC include anything in its rule regarding wind energy siting. Thus, the PSC could propose a rule that precludes the adoption of any wind energy siting regulations by local governments.
5. **The bills do not require the PSC to consider local land use plans and zoning ordinances in the siting of industrial-type wind energy facilities.** Yet the State of Wisconsin and many towns and counties have spent hundreds of thousands of dollars in the past few years on Smart Growth planning—all of which may be wasted if such plans and related zoning ordinances are overridden by large wind energy developments in areas where they would otherwise be deemed unsuitable based on local land use planning.
6. **The bills do not require the PSC to develop the rule with public input.** There is no requirement in the bills that the PSC appoint a "committee of experts, interested persons or representatives of the public to advise it with respect" to the proposed rule under Wis. Stat. § 227.13. Thus, the proposed rule could be developed largely behind closed doors by PSC staff, just as the so-called "draft" model wind energy ordinances were developed.
7. **The bills have had no public input prior to this week.** I understand the bills were proposed by the PSC and before that by a group called RENEW, which is financially supported by private wind energy developers that stand to make millions of dollars developing wind energy projects. Yet this is a very important and controversial in many parts of Wisconsin. Certainly, the bills should be subject to public hearings outside of Madison in the areas of Wisconsin that will be directly affected by proposed wind energy projects. The people of Wisconsin should have meaningful input on this important issue before it is merely turned over to the PSC and the wind developers. After all, large-scale wind energy projects are a long-term proposition. We should be extremely careful about where they are sited and under what conditions.

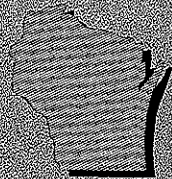
8. **The development of new, industrial-type wind energy facilities deserves more comprehensive study by a Special Legislative Council Study Committee.** Although the State of Wisconsin has adopted renewable portfolio standards ("RPS") which the PSC and our private utilities are trying to meet with new wind energy projects, the fundamental problem is that wind energy is expensive to develop, highly unreliable, and has a very low "capacity factor" (generally less than 29 percent of rated maximum turbine capacity). As a result, wind energy will never be able to meet the current RPS in Wisconsin and many other states. Also, large-scale wind energy projects do not significantly reduce carbon dioxide emissions because they must be "backed up" by conventional sources of energy at peak loads when the wind isn't blowing. Given these and other issues, together with the problems of finding safe and suitable sites for wind energy facilities, it would make much more sense for the state to adopt stronger energy conservation and efficiency policies than we currently have in place than it does to promote development of relatively inefficient and controversial new industrial-type wind energy projects. A Special Legislative Council Study Committee could address these issues in greater depth and come up with a more comprehensive, cost-effective, and environmentally sound approach to energy policy in Wisconsin.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Glenn Stoddard".

Glenn M. Stoddard
Attorney at Law



WIEG

WISCONSIN INDUSTRIAL ENERGY GROUP

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Executive Director
WIEG

THOMAS G. SCHAREF
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WIEG, INC.

To: Assembly Energy and Utilities Committee

From: Todd Stuart, Executive Director
Wisconsin Industrial Energy Group, Inc.

Re: Testimony in support of Assembly Bill 899

Date: March 4, 2008

Thank you for the opportunity to present testimony on this important subject. The following comments are submitted on behalf of the members of Wisconsin Industrial Energy Group, Inc. (WIEG) in support of Assembly Bill 899.

WIEG is a non-profit association of 30 large energy consumers that advocates for policies supporting affordable and reliable energy. Since the early 1970s, WIEG has been the premiere voice of Wisconsin ratepayers and an engine for business retention and expansion. Our member companies spend over \$200 million annually on electricity, and collectively employ more than 50,000 Wisconsin residents, who are themselves state taxpayers and utility ratepayers. WIEG members represent most major Wisconsin manufacturing industries, including paper, food processing, metal casting and fabricating.

Industrial customers are very concerned about the reliability of electricity at affordable rates. Rates have been rising in Wisconsin and elsewhere, but industrial rates rose faster in Wisconsin between 2000 and 2005 than in any other state in the Midwest, and we have seen 7% annual increases over the last decade. The Wisconsin economy will be at risk of job losses and electricity demand destruction, especially in the manufacturing sector, if rate increases are not managed effectively.

By our estimate, Wisconsin is currently facing \$14 billion in utility-related infrastructure costs over the next decade. Over half of this figure is due to government mandates for renewable energy and environmental compliance for air emissions standards. There will be extreme pressure on electric rates in the next few years. Further large rate increases would seriously harm our competitiveness and would lead to the loss of factories and jobs.

WIEG Testimony
Assembly Bill 899
March 4, 2008

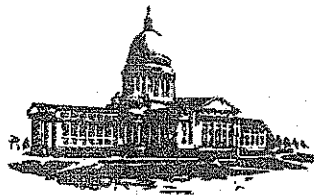
WIEG supports AB 899 as all legal battles over these projects are passed on to ratepayers. To the extent we can minimize legal costs associated with wind energy projects, we can make renewable energy more affordable for Wisconsin. When utilities build these projects or purchase them from a developer, the legal costs are wrapped in to the final price. In other words, the utility can recover the additional costs in their rates but the customer must ultimately pay for them.

Wind is the only renewable energy resource that can be installed in the scale needed to meet the utilities' current renewable energy requirements. At least 90% of the energy needed to meet 2005 Wisconsin Act 141 and its 10% Renewable Portfolio Standard (RPS) will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states.

Roy Thilly, the chairman of the Governor's Task Force on Global Warming was recently quoted as saying "the way things stand now, it's easier to build a 100-megawatt wind farm in this state than it is to put up two or three turbines." That is unacceptable considering we will face a significant challenge meeting the 10% RPS standard.

In order to be in compliance with the 10% RPS, utilities must install or purchase about 1,700 megawatts (mw) of new wind generation capacity. To provide some perspective, the state currently has only 53 mw of wind installed. But we now have 400 mw of new wind projects that have been granted permits and they are either under construction or will be shortly. We also have 80 mw of wind capacity that is being built in Iowa to meet our RPS. Thus, there will be at least 1,100 mw of wind that must be installed before 2016. The delays and cost overruns from difficult local permitting battles all over the state will be passed along in even higher electric rates.

In conclusion, WIEG advocates for policies that drive affordable and reliable energy. Energy, economic development and environmental policy are all inextricably linked together. WIEG members are already facing fierce global competition and tremendous upward pressure on energy rates. These are very real costs that will have very real economic consequences. We need wind siting reform to help ease the cost of wind development in the state. Thank you for your attention and I can address any questions that you may have at this time.



Al Ott

State Representative • 3rd Assembly District

Date: March 4, 2008
To: Assembly Committee on Energy and Utilities
From: Representative Al Ott
Re.: AB 899 – State Standards for the Local Regulation of Wind Energy Systems

I would like to take this opportunity to comment on Assembly Bill 899 (AB 899), which is before the Committee on Energy and Utilities today.

It is not my intention to debate the merits of the bill, but rather to express my concerns with the apparent “fast track” this legislation seems to be on.

AB 899 was formally introduced on Thursday, February 28th. A public notice of today’s hearing was distributed to members of the Legislature late in the day on Friday, February 29th. The bill’s Senate companion, SB 544, was introduced on Friday, February 29th. A public notice that the bill will receive both a hearing and a committee vote on Wednesday, March 4th was distributed to members of the Legislature yesterday afternoon.

As you know, the legislative session is slated to end on Thursday, March 13th. To become law, this proposal must be approved by both houses of the Legislature prior to adjournment on March 13th.

Because AB 899 preempts local authority to regulate wind energy systems, I have serious reservations with the introduction and push for passage of this bill in a span of two weeks. This is an issue deserving adequate opportunity for public input and participation in the legislative process.

To say that the siting of wind energy systems is a contentious issue in my legislative district is to characterize the situation lightly. The proposed installation of wind turbines in Calumet County has divided communities and pitted neighbor against neighbor like nothing I have ever seen before.

I have heard from numerous constituents who are strong advocates both for and against the siting of wind energy systems in Calumet County. Regardless of their viewpoints, they should be afforded the chance to review and comment thoughtfully on this proposal. Two weeks does not provide a sufficient opportunity for thoughtful public input and constructive dialogue.

Much has been made of the fact that AB 899 is modeled after the Livestock Facility Siting Law enacted in the 2003 legislative session (2003 Wisconsin Act 235). I was supportive of that legislation and worked extensively on its development and the subsequent promulgation of the administrative rule package.

While I do think there are some stark differences between AB 899 and the Livestock Facility Siting Law, the one I would point to today is that of the opportunity for a dialogue with the public. The Livestock Facility Siting Law took years to develop and was an open process at every stage, providing ample opportunity for public input and participation.

When all was said and done, everyone did not necessarily agree with the final product – some thought it was too stringent, some thought it was too lax – but the public was not able to accuse the Legislature of shutting them out of the process.

Expediting AB 899, or its Senate companion, threatens the integrity of the process and shuts out my constituents – on both sides of the issue – from participating in the legislative process. Doing so is a blatant disregard for their concerns. I would caution that to push ahead, without reserve, does nothing more than perpetuate the negative perceptions associated with the siting of wind energy systems.

The Senate Committee on Commerce, Utilities and Rail intends to hold a public hearing and vote on the Senate version of this bill tomorrow. I am hopeful the Assembly Committee on Energy and Utilities will proceed in a more responsible manner.



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February 29, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery:

I am writing to express Wisconsin Public Power Inc.'s (WPPI's) support for Assembly Bill 899, legislation that would rationalize wind siting processes within the state.

Under current law, the Public Service Commission (PSC) has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. AB 899 does not preempt local government's existing authority to permit wind facilities under 100 MW. However, it does require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations.

Standardization is critical. An inefficient and confusing patchwork of local ordinances is being developed across the state. Lacking clear guidance on a number of technical issues that can make or break the ability of a wind project to be developed, each community is left to its own resources to garner sufficient expertise to promulgate environmental, safety, financial and other standards. Under AB 899, the PSC, through an open rulemaking, will provide a fair and balanced process by which to develop consistent standards for the state as a whole. Supporters and opponents of wind facilities would have an equal opportunity to engage in this rulemaking.

As you may be aware, WPPI has been developing community-based wind projects for the past year. These projects consist of three to five wind turbines in a single community that will be connected to our member's electric distribution system. The concept is to support local renewable resources to serve local communities. These projects would be on the order of 4.5 to 7.5 MW in size. WPPI expects, in aggregate, to secure up to 25 MW of wind power through this program. WPPI's experience with community-based wind has demonstrated that it can be more difficult in the state of Wisconsin to permit two wind turbines than it is to site a large wind farm with more than 50 turbines. This makes no sense and illustrates the need for a more rational process.

Page 2
February 29, 2008

As WPPI seeks to develop renewable resources to meet state mandates and to address concerns regarding global warming, wind is the renewable energy resource of choice. At least 90 percent of the energy needed to meet Wisconsin's 10 percent statewide renewable target will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the existing permitting process. This is bad for the environment, bad for economic development within the state, and inconsistent with the state's policy objectives. WPPI appreciates your leadership on this issue and encourages rapid adoption of AB 899.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Paque", with a long horizontal flourish extending to the right.

Tom Paque
Vice President - Customer Services & Administration



LEAGUE OF WOMEN VOTERS® OF WISCONSIN

122 State Street, #201A
Madison, WI 53703-2500

Phone: (608) 256-0827
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<http://www.lwwi.org>
lwwisconsin@lwwi.org

March 4, 2008

TO: Assembly Committee on Energy and Utilities
Senate Committee on Commerce, Utilities and Rail

RE: Support AB 899/SB 544 Uniform Wind Siting Criteria

The League of Women Voters of Wisconsin supports adoption of Uniform Wind Siting Criteria, AB 899 and SB 544.

Wind might be the best renewable energy resource our nation has. Wind power is growing at 25-30% per year in the U.S., but not in Wisconsin. This is not for lack of wind development projects. Currently wind development is reviewed under standards and timelines that often differ from one jurisdiction to another. This is one barrier that legislators can address to promote the siting of more wind systems in our state.

These bills require the Public Service Commission (PSC) to promulgate administrative rules on standards on siting, installation and operation of wind-powered generation projects. The PSC already reviews wind projects over 100 Megawatts.

The rules would deal with visual appearance, setback distances, decommissioning, electrical connections to the power grid and interference with radio, telephone or television signals. These are issues that apply to all wind projects. They are also technical issues that are best addressed by the lead state agency regulating electric generation, the PSC.

Under these bills, uniform standards would be used throughout the state by local units of government. Local communities benefit from the expertise of the PSC in setting the standards and applicants benefit from a level playing field of standards with the certainty of a prescribed timeline.

Importantly, local governments would retain their authority to protect public health and safety. They also can continue as the primary reviewer of large wind systems. Local jurisdictions can enact an ordinance to review construction or operation of a wind system that must incorporate the uniform standards. In this way, applications for large wind systems, projects ranging from at least one Megawatt to 100 Megawatts, are subject to local government review. After completing the local process, aggrieved parties, whether wind developers or other affected parties, have the right to appeal to the PSC to review the local government decision to approve, reject or impose restrictions on the wind project. The PSC decision is subject to Chapter 227 review.

The League finds that there is a fair balance of transparency between local and state bodies who will need to act on siting issues in AB 899/SB 544.

We note that these bills are modeled on some aspects of the Wisconsin Livestock Siting Act (s. 93.90, Wis. Stats.). The Department of Agriculture, Trade and Consumer Protection (DATCP) is the lead agency under the Livestock Siting Act. That law has been implemented for almost two years now. Please log onto the DATCP website to see the array of fact sheets and training available to farmers and local officials on the uniform siting standards. The first annual report on implementation of that law is also very instructive on how to implement uniform state standards, http://www.datcp.state.wi.us/arm/agriculture/land-water/livestock_siting/pdf/ATCP51AnnualReport.pdf

As the lead agency for wind systems under these legislative bills, the PSC will need to assure that extensive educational outreach efforts are undertaken. Local units of government will want to understand and learn how to implement these new uniform state standards. Applicants will want to know how their projects will be reviewed by local governments.

We urge the Legislature to adopt AB 899/SB 544 to remove one more barrier to siting additional wind turbines.

Thank you for the opportunity to present the position of the League of Women Voters of Wisconsin on enhancing wind generation in Wisconsin.

STATEMENT BEFORE THE
ASSEMBLY COMMITTEE ON ENERGY
OF WISCONSIN MARCH 4, 2008

My name is George W. Kamperman. I am owner of Kamperman Associates Inc., a sound and vibration consulting firm. My business address is 312 Washington Avenue, Wisconsin Dells, WI 53965.

I am here today to make a statement on the results of my ongoing study of environmental noise associated with industrial wind turbine generators. I became very interested in the residential noise exposure issue after studying the PhD thesis of Fritz van den Berg in the Netherlands "The Sound of High Winds" published in 2006.

Two very important facts emerged from the van den Berg Doctorial Thesis. He discovered the standard measurements and equations for predicting the wind velocity at higher elevations at the hub height of contemporary wind turbines are wrong and under estimate the wind velocity significantly. Van den Berg showed that wind turbines generate maximum power during a clear night when the atmosphere is stable and with only a very light breeze at the surface. This is of profound importance to wind turbine noise impact on nearby residents because the wind farm generates maximum power and noise in the still of the night when all else is quiet and residents are trying to sleep.

The second enlightenment that emerged from my study of the van den Berg Thesis is how the perception of low level wind farm noise emission can have profound impact on the mental and physical health of nearby residents. Not being a medical professional all I can do is read the complaints of wind farm impacted residents. The Doctorial dissertation of van den Berg is very credible but it is hard for me to comprehend the significant magnitude of health impact from relatively low level exposure to wind farm noise.

Next I searched for wind farm noise exposure issues in other countries. The countries with published wind farm noise and health complaints that I studied include: Australia, New Zealand, Canada, Europe, England and the US. To my amazement all the wind turbine noise complaints are very similar. I have been a consultant in the field of industrial noise control for more than fifty years and I have never witnessed anything that approaches this degree of health impact from environmental noise exposure. The existing noise exposure and annoyance models in the field of acoustics cannot be applied to wind turbine noise exposure. Wind turbine noise and the response of exposed residents is an entirely new phenomenon in our society. Children and the more sensitive adults appear to be at greatest health risk. A few medical professionals have begun exploring wind turbine noise and vibration induced health impacts on affected residents. Significant medical publications on this subject are expected later this year.

George Kamperman

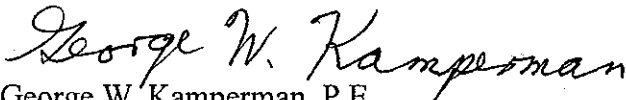
March 4, 2008

Page 2 of 2

It is my professional opinion the minimum setback for wind turbines should be 1.5 miles from the nearest residence(s) until we have strong medical evidence to permit a lesser setback distance. Overwhelming evidence from around the world all show serious health impacts happen to people living closer than one and one-half (1.5) miles from a wind farm. Naturally the percentage of wind turbine noise impacted residents increases in severity as the distance for the wind farm is reduced.

The wind turbine setback distance can also be determined with knowledge of the minimum nighttime ambient or background noise level environment. The first step is to perform a background noise survey (before wind farm) at the nearest potential residence(s) of interest following ANSI field measurement Standards. This noise survey is a series of two or more ten minute periods of background noise measurements in the middle of the night between 11 PM and 4 AM. This is normally the quietest time of the day and when most people are trying to sleep. (Daytime measurements of the background or ambient noise environment are of no value and are wasted effort). The weather conditions are very important. The atmosphere must be stable with few clouds and nearly calm wind at the surface. There must be no nearby noise sources present. Using an ANSI Type 1 sound level meter, perform a ten minute continuous measurement of the background. The parameters of most interest are A-weighted L10 & L90, C-weighted L10 & L90 and Leq in one-third octave bands from 6.3 Hz to 10K Hz. There must be no wind noise present during a measurement. If insect noise shows up in the one-third octave band analysis, then reduce the insect band levels to the level of the adjacent band levels and re-compute the A-weighted L levels. For the selected ten minute measurement to be acceptable the measured L10 value minus L90 value for both dBA and dBC must not exceed 10 dB. Repeat this background noise measurement at least once and average the acceptable results to establish the L90 dBA and L90 dBC background noise level criteria for each dwelling of interest. The acceptable noise emission criteria for the proposed wind farm must not exceed the measured background dBA L90 and dBC L90 value by more than 5 dB. It is my professional opinion by following the above measurement methodology, which allows the wind farm noise to increase the ambient noise level 5 dB at the nearest resident(s), would be expected to result in a marginally acceptable wind turbine noise level compromise at the nearest residence(s).

Sincerely,



George W. Kamperman, P.E.

Bd. Cert. Member Institute of Noise Control Engineers

Fellow Member Acoustical Society of America

Full Circle Farm

February 27, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery,

I am writing to support the proposed legislation to reform the wind siting rules in Wisconsin. I have seen how the current process is dysfunctional and needs reform if we are serious about the need for more renewable energy production.

I am a dairy farmer from Shawano County. I believe that everyone needs to do as much as possible to reduce our emissions of greenhouse gases. I am a strong supporter of conserving and increasing the efficiency of all fossil fuel usage. I also believe that we need to make bold moves into renewable energy. Wind energy has great potential.

I am writing to support any effort to make wind siting rules uniform across the state. I lived through the debacle of the Shawano County wind siting ordinance. The creation and adoption of this ridiculous ordinance is reason enough to make the wind siting process uniform across the state.

Shawano County's ordinance was stolen from public debate by those who did not want to hear all sides of the wind energy issue. They heard only the scare tactics of critics who taught others to hate all wind turbine sitings. They exaggerated details and distorted the truth. I have "survived" the process of applying for a 35kw wind turbine for our farm. It took about 5 meetings with the county's planning director to even know how to apply. Then I had to put up with 6 public hearings where I was called, "A sleazy real estate agent who didn't care about my neighbors." and I was told that, "...all of your neighbors are against you." (even though it was not true.) By the way, our organic dairy farm is in the Adamski family since 1900.

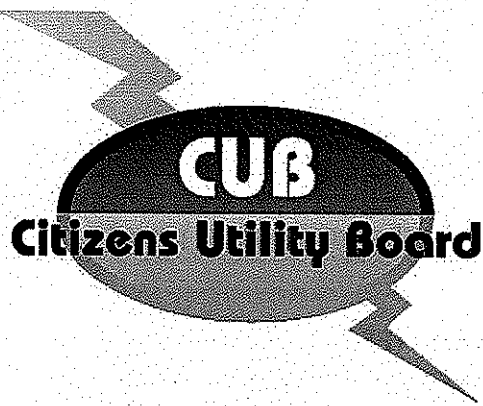
I had to request 14 different variances to the Shawano County ordinance. Complying with the ordinance would have been financially impossible. One section of the ordinance requires wind turbine applicants to test every private well within one mile of a proposed turbine for arsenic, nitrates, phosphorus, calcium, magnesium, iron, lead, atrazine, bacteria, total dissolved solids, and documentation of flow rates. There is no evidence of any wind turbine construction or operation ever causing any of these problems, yet it is a part of the ordinance.

I could detail reams of data about the frivolous obstacles created by this ordinance. The application process has made me aware of how barriers to entry, like this ordinance, can be used to stymie progress and to lock in institutions causing more serious problems.

The county's board of adjustment voted unanimously to grant all variances as I requested, and the county's PD&Z committee also voted unanimously to grant me a conditional use permit to construct the turbine. However, the ordinance still sits as the record in the county and is being upheld as the model that other wind turbine opponents use around the state and throughout the country.

I implore those deciding the outcome of this proposal to make wind siting rules uniform across the state to base their decisions upon the facts rather than just the opinions of those who think wind turbines are not pretty. The beauty of wind turbines is the fact that they can capture energy without emitting any greenhouse gases.

Sincerely,
Rick Adamski
W2407 Hofa Park Rd.
Seymour, WI 54165
920-833-6704
radamski@itot.com



February 26, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Re: Please support legislation requiring that local regulation of a wind energy system be consistent with Public Service Commission rules.

Dear Senator Plale and Representative Montgomery:

On behalf of the Citizens Utility Board, I urge you to support legislation that would clarify the laws and rules regarding the permitting of wind energy systems.

The Citizens Utility Board of Wisconsin (CUB) is a member-supported nonprofit organization that advocates for reliable and affordable utility service. CUB represents the interests of residential, farm, and small business customers of electric, natural gas, and telecommunication utilities before the Legislature, regulatory agencies, and the courts.

This legislation would address problems with the current process for issuing permits for wind energy facilities. Unless local ordinances are to protect public health and safety, state law prohibits local jurisdictions from restricting wind development. Unfortunately, there are no agreed-upon standards for permitting wind energy systems. Given this uncertainty, several local jurisdictions have imposed unreasonable restrictions and requirements on wind energy projects that have unnecessarily delayed their development.

To date, these restrictive local ordinances have stalled about 400 megawatts of wind energy projects, representing \$800 million in investment and \$1,600,000 per year in payments to local governments.

Wind is likely the only renewable energy resource that can scale up to meet the utilities' current renewable energy requirements. The single biggest constraint to increasing wind generation in Wisconsin is the permitting process, which is far more problematic here than in neighboring

states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.

The proposed legislation would require the Public Service Commission (PSC) to promulgate rules setting forth permitting standards that would apply to all wind energy installations. Under current law, the Public Service Commission oversees the process of issuing permits for all power plants larger than 100 megawatts, whereas local governments have permitting authority over all power plants under 100 MW, including wind energy installations.

PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.

The proposed legislation would not change the threshold that triggers PSC pre-emption authority. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.

The proposed legislation would create a procedure for appealing local permitting decisions to the PSC for projects above 1 megawatt. This appeal process would provide developers and decision-makers alike with a well-defined framework and timetable for preparing, reviewing and deciding on applications to construct wind energy projects.

For these reasons, we urge you to support this legislation.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlie Higley", with a stylized flourish at the end.

Charlie Higley
Executive Director

Thank you,

Dan Kohler

Director



122 State St., Ste. 310 info@WisconsinEnvironment.org
Madison, WI 53703 (608) 251-1918 (ph)
www.WisconsinEnvironment.org (608) 287-0865 (fx)

March 3, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery,

On behalf of our 6,500 members, I am writing in support of wind siting reform (SB 544, AB 899). As you know, Wisconsin has tremendous potential to create more energy from homegrown, clean, renewable sources. In 2006, Wisconsin took an important step in the right direction by adopting the Energy Efficiency and Renewable Energy Act, which will quadruple renewable energy in Wisconsin. But we must and can do much more.

There are several key elements to consider moving forward:

1. Under current law, the Public Service Commission has permitting and pre-emption authority over all power plants in excess of 100 MW, including wind energy installations. The proposed legislation would not change the threshold that triggers PSC pre-emption authority.
2. Under current law, local governments have permitting authority over all power plants under 100 MW, including wind energy installations, and no statute grants the PSC explicit authority to pre-empt their permitting decisions for power plants of this size. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments.
3. The current permitting environment for wind energy facilities is dysfunctional. Though state law prohibits local jurisdictions from restricting wind development, unless the regulations serve to protect public health and safety, there are no agreed-upon standards available to local jurisdictions. This creates an opening for some local jurisdictions to impose

restrictions and requirements on wind developers that are expensive, time-consuming, and often divorced from scientific reality and Wisconsin experience. As a consequence, approximately 400 MW of planned wind developments, representing \$800 million in investment and \$1,600,000 per year in payments to local governments, are stalled across Wisconsin, due to moratoria and restrictive ordinances adopted by local governments.

4. The proposed legislation would require the PSC to promulgate rules setting forth permitting standards that would apply to all wind energy installations. PSC rulemaking is open to all stakeholders, including groups opposed to wind development. Interested parties would have a place at the table where they can make their case for specific provisions.
5. The proposed legislation would institute a process for appealing local permitting decisions to the PSC for projects above 1 MW. This appeal process provide developers and decision-makers alike with a tightly defined framework and timetable for preparing, reviewing and deciding on applications to construct commercial wind turbines.
6. Wind is the only renewable energy resource that can **scale up to meet the utilities' current renewable energy requirements**. At least 90% of the **energy needed to meet Wisconsin's 10% statewide target** will be generated with wind. The single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, which is far more problematic here than in neighboring states. The delays and cost overruns that arise from local permitting battles are ultimately passed along to ratepayers.
7. This legislation requires the Public Service Commission to set uniform standards for local units of government to apply in permitting wind turbines in Wisconsin. In this proceeding as well as all other proceedings, the Commission has the responsibility of implementing state energy policy while protecting public health and safety. This legislation does not dictate what those standards must be. The Commission will set those standards based on both Wisconsin wind generation experience and relevant scientific analysis available from other sources.
8. This legislation is the product of compromise between the wind industry, local government associations, a broad spectrum of energy stakeholders and the executive branch. The parties came together to fashion a framework that balances the interests of the state with the desire to preserve local permitting authority. This new framework ensures greater certainty to the wind industry while preserving for local governments the authority to review and make decisions on wind energy projects.
9. As written, the legislation would not place any limitations on appeal rights to the Public Service Commission. The ability to appeal a decision by the reviewing local government is open to developers, host landowners and neighboring residences.



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www.horizonwind.com

March 3, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Letter in Support of AB 899

As Chief Development Officer at Horizon Wind Energy, I am writing in support of AB 899, legislation reforming Wisconsin wind permitting.

Horizon Wind Energy develops, constructs, owns and operates wind farms throughout the United States. Headquartered in Houston, Horizon Wind Energy was recently purchased by Energias de Portugal for \$2.8 billion. Horizon owns wind farms in New York, Oklahoma, Oregon, Illinois, Minnesota, and Texas, and is currently developing over 10.8GW of wind farms across the country, including Wisconsin.

The Upper Midwest is a very important region for Horizon Wind Energy's growth, but we need proper wind permitting legislation in order to move our projects forward. Horizon has been actively developing projects in Wisconsin since 2002. We have been lucky—our projects are in counties where the local policymakers support wind energy for all of the positive attributes that it provides. However, to expand our development across the state we need consistent state-wide regulation.

Even with the passage of AB 899, local governments are still very much involved. If the proposed legislation were adopted, wind developers would still need to file applications for permits with local governments. Horizon Wind Energy very much believes that a successful wind projects works in partnership with the local landowners and the community, and a successful project brings together a diverse group of stakeholders for mutual benefit.

Currently, however, local governments can restrict wind development by making such onerous setbacks that no wind farms can economically, or sometimes even feasibly, be constructed. Although the landowners want the project to be constructed so they can share in the revenue stream, local authorities can keep the project from ever breaking ground.

The proposed legislation would require the Public Service Commission to promulgate rules setting permitting standards applying to all wind energy installations, and gives a process for appealing local permitting decisions to the PSC for projects over 1MW. This appeal process provides developers and decision-makers a defined framework for preparing, reviewing, and deciding on applications to construct a commercial wind farm.

Legislation (SB 459) enacted in March 2006 increased renewable energy requirements for Wisconsin and established an overall statewide renewable energy goal of 10% by December 31, 2015. Wind is currently the only renewable resource that is scalable to meet this goal. As the single biggest constraint to increasing wind generation in Wisconsin is the permitting environment, the passage of AB 899 is a very important step to increase clean, renewable energy and to improve rural economics in Wisconsin.



Gabriel Alonso
Chief Development Officer
Horizon Wind Energy

Ross DePaola
3473 Dell Drive
Madison, WI 53718

March 4, 2008

Senator Jeff Plale
Rep. Phil Montgomery

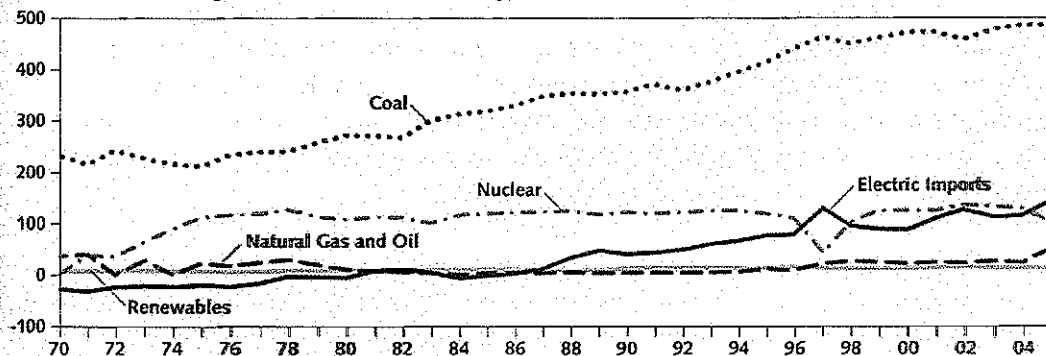
Subject: AB 899/SB 544 Wind Siting Reform Bill

Dear Senator Plale and Rep. Montgomery,

I am writing in support of this legislation to require the Public Service Commission to promulgate common rules for wind-powered generators.

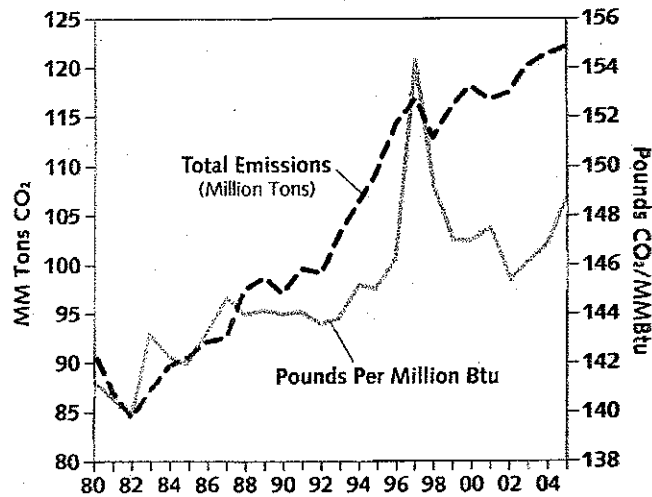
Wisconsin is a State that is heavily dependent upon coal energy for electric generation. Figure 1 from the 2006 version of Wisconsin Energy Statistics clearly shows how the mix of energy used for electric generation comes primarily from coal. In addition to this, note that as our appetite for electricity grows, the overwhelming response has been to increase coal consumption, either domestic or imported.

Figure 1: Wisconsin Energy Use for Electricity Generation



As a consequence for our increasing use of coal, Wisconsin's emission of CO² has increased as shown in Figure 2.

Figure 2: Wisconsin Carbon Dioxide Emissions



If there is any chance that we may begin to reduce our dependence on coal, we must encourage the development of indigenous, renewable and carbon-free technologies such as wind and solar.

This legislation requires the Public Service Commission (PSC) to promulgate state-wide rules that will be fair to both local governments and wind-power developers. Because wind power projects are highly localized, I believe that they are inherently disadvantaged when it comes to project siting. Although State law prohibits local jurisdictions from restricting wind development, wind power developers are required to wait until local governments prepare siting rules that are influenced by local opponents of wind power projects. As a result, wind power projects are often delayed and/or denied by unreasonable restrictions that don't reflect practices with other Wisconsin projects. Creating unfair restrictions has become a common loophole that is exploited by opponents of wind power projects and has been effectively used to circumvent State law. I believe the Public Service Commission will provide a fair balance between public safety and health, and Wisconsin's demand for clean electricity.

Current law gives the PSC preempting and permitting authority for projects over 100 MW, including wind energy projects. Projects under 100 MW are currently required to be permitted through local governments. This would not change under this legislation. However, the PSC would supply a state-wide set of consistent rules and would act as arbitrator for appeals.

For local projects larger than 1 MW that have valid issues, this legislation would institute a process for appealing local permitting decisions to the PSC. The appeal process will

provide developers and local governments with a framework and timetable for responding to issues that will insure that the process proceeds in a timely manner.

In summary, the current set of rules as they relate to wind power projects do not work. They put an undue burden on local jurisdictions to create rules, and they put an undue burden on developers, thus putting them at a competitive disadvantage over fossil-fuel energy generation. I believe the proposed legislation will ultimately be for the good of all parties concerned and will continue to encourage the development of renewable energy in Wisconsin.

In the interests of reducing our heavy dependence on fossil fuel and directing Wisconsin toward a renewable energy future, I encourage the adoption of this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ross DePaola".

Ross DePaola

March 3, 2008

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

RE: Wind Siting Reform Bill, AB 899.

Dear Representative Montgomery,

In June of 1999, Madison Gas & Electric and Wisconsin Public Service Corporation commissioned 31 utility-scale wind turbines in two townships in Kewaunee County. During the permitting process for those turbines in 1998, all sorts of dire predictions were made about the quality of life, property values, and public health and safety dangers that would occur if the turbines were actually installed and allowed to operate.

In response to the community's concern, a moratorium was put in place in Lincoln Township, Kewaunee County, where I live. In December of 1999, I was named as the Chairman of the Wind Turbine Moratorium Study Committee by Arlin Monfils, Lincoln Town Chairman. The job of the committee was to determine the impact that the wind turbines had or would have on the community. Again, dire predictions about public health and safety, property values, and quality of life were bandied about. We listened, evaluated the concerns, and made suggestions to the Township as to how to improve the conditional use process in Lincoln Township.

The upshot of all of this, with the hindsight of eight and a half years of operating experience in Kewaunee County, is that none of the dire predictions have transpired. Not one. No ice has been hurled at anyone, no traffic fatalities have occurred from distraction, no one has become an epileptic from looking at the turbines, property values have not plummeted, and there has not been a mass exodus from the area. Life has gone on, more or less, as it did before.

Be that as it may, Lincoln Township has repeatedly been held up as an example of failed wind farm siting. Sure, the landscape has changed a bit, which was the biggest concern of those opposing the wind farms: they simply did not want to look at the wind turbines. But that happens with any new house construction, farm expansion, cell tower installation, or four lane highway. However, the dire predictions never happened, and it looks as though they never will, based on our experience, as well as experience in other locales hosting wind farms.

Wind opposition basically comes in two forms, those who do not want to look at the wind turbines, and those who resent that fact that their neighbor receives a payment for hosting a turbine or turbines, but they do not. Sometimes these two resentments are tied together. However, those opposing wind turbine have discovered framing their opposition this way

gets them nowhere. Based on state statutes, a wind turbine installation can essentially be halted only if that installation poses public health or safety hazards.

As such, these folks reconfigured their opposition in terms of public health and public safety, regardless of what the records show. They discovered that if they want to hold up a wind farm project, all they need to do is to conjure up a hodgepodge of accusations, and the zoning administration or applicant is sent on a research project to find a response to these outlandish accusations. A case in point is the accusation that person will become an epileptic from looking at the rotation blades of wind turbine. When it was pointed out that ceiling fans at any home improvement center have the same frequency as wind turbines and therefore would be responsible for untold numbers of epileptics being hospitalized after shopping at those stores, this fantasy health accusation was quickly dropped.

But the tactic remains. Throw any and all accusations of public safety or, especially public health, at the public hearing, and time is spent unraveling the muddled accusations. And these tactics, obfuscation and delay, have proven to be quite successful.

It is for this reason that I ask you to pass a wind siting reform bill, one that mandates that the Public Service Commission of Wisconsin to develop rules for permitting standards for wind farms down to single 1 MW turbines installations. The PSCW has experience with in this area with both the Forward Wind Project and WE's Blue Sky Green Fields Wind Project.

Valuable years have been wasted arguing about minutia and fantasy inflictions that have not come to fruition, in Wisconsin, in the United States, or in other countries with much higher densities of wind farms than found anywhere in the US. I urge you to pass the Wind Siting Reform Bill.

Mick Sagrillo

Mick Sagrillo
E3971 Bluebird Rd.
Forestville, WI 54213
(920) 837-7523
msagrillo@wizunwired.net

TRYING TO SITE A WIND FARM IN THE TOWN OF STOCKBRIDGE

As Viewed by Marilyn Propson

Hello - My name is Marilyn Propson. I live in the Town Stockbridge, in Calumet County. My address is W4342 Quinney Rd., Chilton 53014. I hope to be the voice representing hundreds of landowners and thousands of acres of land in Wisconsin ready and willing to be part of the effort to move forward with wind energy projects. I hope the State of Wisconsin will take note that there is no shortage of landowners willing to sign on to host wind turbines.

I'd like to share a little history of the Town of Stockbridge with you today. I obtained the information before 2006 from a neighbor, Marvin Ecker, Jr.

Attempt #1 - In the spring of 1998, Madison Gas & Electric (MGE) came into the Town of Stockbridge and approached landowners to see if there was interest in siting a wind project. Three families signed lease options. Stockbridge then enacted a 24-month moratorium. The Public Service Commission approved MGE's application, but, as a result of the moratorium, MGE had to walk away from Stockbridge. Lawsuits were filed. The result - no turbines.

Attempt #2 - In June 2004, Marvin Ecker, Jr. obtained permission to build a single small turbine on his land. In May 2005, Marvin put up the turbine now standing on Quinney Hill. Stockbridge enacted another moratorium. The result - one farm-sized turbine.

Attempt #3 - In April 2005, shortly before Marvin's small turbine was erected, he applied for another permit to host four large turbines. In his words, while seeking the necessary permits, he was given the run-around. This triggered more legal action. The result - no turbines.

Attempt #4 - In early 2006, Midwest Wind Energy approached landowners in the Towns of Stockbridge and Brothertown for yet another try at a wind energy project. By November 2006, 33 families controlling 5,000 acres had signed on. In May 2007, the Town of Stockbridge adopted a 90-day moratorium. Later that month, Midwest Wind Energy sent a memo to Stockbridge landowners stating that development activities would be suspended due to the moratorium. In September 2007, Stockbridge enacted a Wind Energy Systems Licensing Ordinance, which was so restrictive that Midwest Wind Energy's project was no longer viable. In January 2008, the Town of Stockbridge received two Notices of Claim. The result - no turbines.

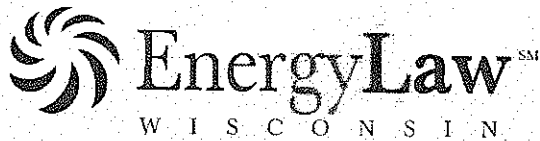
I risk sounding repetitive by chronicling the turbine siting history of the Town of Stockbridge, but we have such a vivid history of failure that old actions paint a more revealing picture than new words could ever convey. In the past, the Stockbridge Town Board has shown a total disregard for turbine siting recommendations made by either

Calumet County or the State of Wisconsin. The Board is familiar with litigation and does not fear it. As participating landowner in this wind project, we are part of the majority of citizens who are ready to embrace the prospect of alternative energy fueling our futures.

But there is a core group in Stockbridge that remains opposed to wind development, and they are relentless in their zeal to take the reins and steer the Stockbridge Town Board—and now the Calumet County Board—toward their goal, which is no turbines in Stockbridge. They were instrumental in the recall election of County Board Supervisor Jerry Criter, whose district includes all of Brothertown, and parts of Stockbridge and Chilton townships. They were unsuccessful in removing him from his position, but their defamatory allegations will not be forgotten any time soon. Nor will the taxpayers soon forget the unnecessary financial burden caused by a bogus sense of urgency created by the recall effort, as Jerry's term would have expired 49 days later.

I believe that this Township and this County, along with many others across the state, have exhausted their resources trying to resolve this conflict. We appear to be too polarized to make any further progress. It is time for the State to take up the laboring oar in this effort, to find a common ground workable to settle our differences and move forward toward achieving our goals. Please adopt legislation to establish uniform standards for local review of wind projects.

Thank you for your time.



Michael J. Allen
ATTORNEY AT LAW

March 3, 2008

Senator Jeff Plale
Room 313 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Representative Phil Montgomery
Room 129 West, State Capitol
P.O. Box 8953
Madison, WI 53708

**Re: Wind Permitting Reform Legislation
Assembly Bill 899 & Senate Bill 544**

Dear Senator Plale and Representative Montgomery:

I would like to add my voice to those of many, many others across the state in favor of the wind permitting reform legislation embodied in Assembly Bill 899 and Senate Bill 544. There is much to recommend the legislation and I will not repeat the many good points made by others. Rather I will limit myself two observations from my own personal experience as a municipal official/City Attorney and attorney practicing in the renewable energy field.

First, it is hard job to sit on a Town Board and make decisions that affect your best friends, neighbors and relatives. It is even harder to make decisions about emotionally charged issues without agreed upon standards. In the case of wind-siting, I have personally observed meetings where the level of debate was near-hysteria. On one occasion, the spouse of one of the Town officials charged with making the decision tearfully pleaded with the body on which her husband sat not to let the turbines go up, because the resulting reckless-driving tourist traffic to gawk at the turbines would kill a generation of children. What is the likelihood that her husband's resulting no vote was based on an objective consideration of the evidence? It is not fair to Town officials to put them into this type of emotional situation without objective standards that can be readily applied to make a decision.

Second, it is my impression from talking with utilities and wind energy developers who operate in states across the Midwest that it is far more difficult and more

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expensive to site wind energy in Wisconsin than in its neighboring states, including Iowa. If true, this siting disadvantage is bad for Wisconsin's ability to achieve energy independence, it is bad for its economic development, and it is bad for the many, many Wisconsin farmers who wish to develop wind as another cash crop from their farms to balance out some of the risks from farming. Moreover, if one thinks more broadly, it is bad for Wisconsin in general, as it impedes Wisconsin's ability to make the transition away from scarce fossil fuel energy resources that generate greenhouse gases to non-polluting renewable resources.

The proposed legislation does not eliminate local control, rather it will provide local officials reasonable guidance in the form of standards created by the Public Service Commission, a body with abundant experience and expertise in this area. The standards will be adopted following an open and fair rulemaking proceeding. The proposed Wind Permitting Reform Legislation is sensible and should be made law.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Allen".

Michael J. Allen
Attorney at Law

Studies now underway by medical researchers in the US seek to address this question in more detail. Public policies set in the absence of evidence of proven safety should be set using conservative limits. Imposing limits that may include health and safety risks is not appropriate.

Studies in Sweden of over 1000 people living near industrial wind turbines for 3 years or more have shown that people are more annoyed by the sounds of wind turbines than of other common community noise sources.³ Figure 1 below shows that at 50 dBA approximately 10-15 % of the population would be highly annoyed. At 40 dBA, less than 5% are highly annoyed. Yet, when response to wind turbine sounds is studied we find that over 25% of the population is highly annoyed at 40 dBA and between 40-50% are highly annoyed at 50 dBA. Highly annoyed means highly motivated to seek redress. When considering just the sounds from the rotor blades over 80% are annoyed at 35 dBA, which is the upper limit permitted under German standards. Why should Wisconsin's rural communities be forced to tolerate 50 dBA?

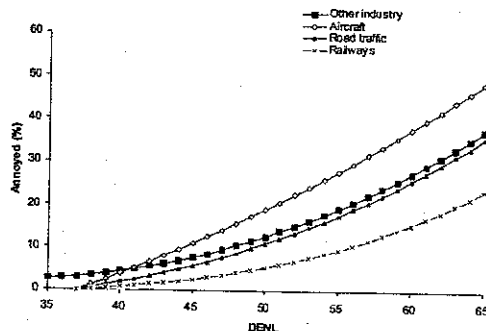


Figure 1. Polynomial approximations of dose-response relationships between day-evening-night level (DENL) and annoyance of noise from industry and transportation noise [Miedema and Vos 2004], and between DENL and annoyance from transportation noise [Miedema and Oudshoorn 2001]. The curves describing response of transportation noise were forced through zero at 37 DENL [Miedema and Oudshoorn 2001].

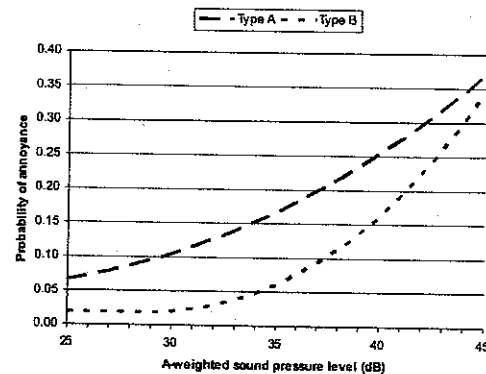


Figure 11. Estimated probability of annoyance with wind turbine noise outdoors, related to A-weighted SPLs in landscapes of type A (rural, with low background sound levels) and type B (suburban).

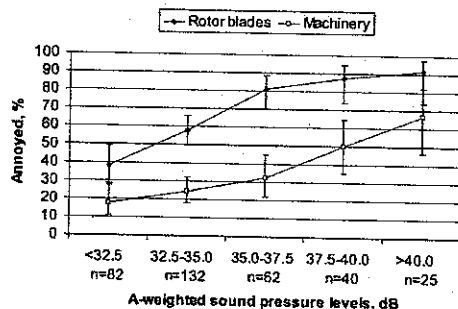


Figure 8. Proportion of respondents who noticed sound from rotor blades and machinery, respectively, outside their dwelling in Study 1, in relation to A-weighted SPLs in 2.5 dB intervals.


³ Pedersen, Eja; Human response to Wind Turbine Noise- perception, annoyance and moderating factors; Occupational and Environmental Medicine, Department of Public Health and Community Medicine, Institute of Medicine, The Sahlgrenska Academy, Goteborg University, Sweden. (2007)

If you have been advised that 1000 foot setbacks and 50 dBA sound limits were the standards used in the rest of the world you have been misinformed. Countries that base their guidelines on the expertise of independent noise control professionals would never consider those limits as adequate to protect the health and safety of the citizens. As discussed above, countries with industrial wind turbine experience have found that people find wind turbine sounds more offensive than traffic, rail, air, and many of the industrial sounds to which we are routinely exposed.

I strongly urge the committee to reconsider its current bill and make the needed changes to assure that any guidelines issued by the State implement reasonable and accepted sound limits for industrial wind turbine siting. Require that the installation and operation of one or more industrial wind turbines does not increase the background sound levels ($L_{90\text{night}}$) that are common to your rural communities by more than 5 dBA or dBC. This simple rule will be no more restrictive to wind farm development than rules already accepted by the wind industry in other parts of the western world.

Sincerely,

For E-Coustic Solutions


Richard R. James Mem. INCE

E-Coustic Solutions

Noise Control • Sound Measurement • Consultation
Community • Industrial • Residential • Office • Classroom • HIPPA Oral Privacy
P.O Box 1129, Okemos, MI, 48805
rickjames@e-coustic.com

Richard R. James, INCE
Principal
Tel: 517-507-5067
Fax: (866) 461-4103

March 3, 2008

To: Members of the Senate Committee on Commerce, Utilities and Rail
Members of the Assembly Committee on Energy and Utilities

Subject: Senate Bill 544 and Assembly Bill 899

Dear Committee Members:

Please let me introduce myself. I am a practicing Noise Control Consultant with over 35 years of experience in community noise. During those years I have worked with Fortune 100 firms including the Big Three Auto companies, Goodyear and others to address their noise related problems, both inside the manufacturing complex and in the communities in which they are located. In 2005 I started working with communities where industrial wind turbines were being installed. In this work, I have not only conducted my own studies, but have also reviewed the considerable amount of research that has been published on the topic of Wind Turbine Noise and Public Health and Safety.

Given my current understanding of this issue the proposed bills before the committees must be read with concern by any professional who has experience in community noise and/or land use compatibility. These bills, in conjunction with the Model Wind Ordinance (draft Feb. 2007 by the Wisconsin Task Force on Wind Siting Reform), will subject the citizens of rural Wisconsin to conditions that should not be considered acceptable in any westernized country. The complete absence of any provisions in either the bills or the model ordinance to protect the health and safety of the people who will be required to live near industrial wind turbines is unacceptable as public policy.

This difference between the content of the current bills and Model Ordinance and the current understanding of the effects of wind turbine sound on public health and safety can only be explained if their authors have either not conducted a proper study of wind turbine noise and health issues or if misinformation has been provided to the committee(s). If the former, I have excerpted some relevant information from current research papers that I would appreciate being entered into the record. Footnotes identify the relevant studies. Copies of those papers can be provided if the committees cannot locate them. If the reason was misinformation, then the advisors were not serving the needs of your committee(s) or the Public Good. Is it possible that they were affiliated with the wind industry and were attempting to capitalize on the State's need for renewable energy? Those who claim that a setback of 1000 feet and a sound limit of 50 dBA are rules that are protective cannot point to any independent scientific evidence to support their claim that these rules will protect the public's health and safety. Why and what basis would they make such claims?

In Denmark, the country that championed industrial wind development, setbacks are at least 6 rotor diameters. For a typical industrial wind turbine with 80 meter diameter blades this would be a setback of over 1,600 feet. Recent studies and papers at conferences have

suggested that 1 to 1.5 miles is the proper setback. Why should the citizen's of Wisconsin be forced to tolerate setbacks of 1000 feet?

Where is the scientific support for a 50 dBA limit? If 50 dBA is acceptable, why does the World Health Organization recommend that wind turbines be limited to sound levels of 30 dBA or less during the evening and night? The places that are targeted for industrial wind turbines are accustomed to sound levels of 25 dBA and lower during those periods. (See table 3 ISO below) Further, why does the World Health Organization conclude that use of dBA limits for industrial wind farms are not sufficiently protective and recommend the use of dBC limits? This recommendation is followed by Germany. Germany, a much more densely populated country than the rural areas of Wisconsin, has installed hundreds of industrial wind turbines, yet requires that they comply with a not to exceed limit of 35 dBA and 38 dBC or 5 dB above the background (L_{90}) sound level whichever is lower. Why should Wisconsin's citizens be at risk when other countries, with more years of experience with wind turbines, protect their citizens?

What is considered acceptable for rural communities? The International Standards Organization recommends limits of 25 dBA maximum¹.

Table 3 ISO 1996-1971 Recommendations for Community Noise Limits – limits to protect health and wellbeing

District type	Daytime upper limit	Evening time upper limit (7-11pm)	Night time upper limit (11pm-7am)
Rural	35 dBA	30 dBA	25 dBA
Suburban	40 dBA	35 dBA	30 dBA
Urban residential	45 dBA	40 dBA	35 dBA
Urban mixed	50 dBA	45 dBA	40 dBA

You may have heard from advisors that the low frequency sounds emitted by industrial wind turbines are safe. Yet, Dr. Amanda Harry found that²:

"The evidence supplied has been made by a prolonged study of research available worldwide. Some acousticians have expressed the opinion that the level of low frequency noise (in dB (A)) emitted by a wind turbine will not produce health problems. However during my extensive search of the published literature, I have been unable to find any medical evidence to support this opinion."

And,

"There is consistent evidence for annoyance in populations, exposed for more than one year to sound levels of 37dBA and severe annoyance at 42dBA. There is no doubt that annoyance from noise adversely affects human wellbeing."

¹ Phipps, Dr. Robyn, Evidence in the Matter of Moturimu Wind Farm Application, Heard before the Joint Commissioners, Palmerston North, New Zealand, March 8-26, 2007

² Harry, Dr Harry M.B.Ch.B. P.G.Dip.E.N.T., Wind Turbines, Noise and Health, February 2007.

**IBEW LOCAL UNION 2150
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Daniel E. Sherman, Business Manager**

March 3, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

State's Largest Energy Union Supports Wind Permitting Reforms

Local 2150 of the International Brotherhood of Electrical Workers would like to announce our support of legislation to streamline and standardize wind power permitting in Wisconsin. Our labor organization has supported other efforts to create defined procedures and timetables regarding other energy related projects such as transmission lines and power plants. Being the largest labor organization representing energy and utility workers in Wisconsin we have witnessed the frustrating and often contradictory processes that have stalled many of the wind projects across the state.

Our members clearly understand the strong history of local control in Wisconsin. This legislation would not remove local review of these projects (sized less than 100 megawatts); it would standardize the procedure with set timetables so that each proposed project is reviewed on a timely basis. Decisions regarding permitting should include input from all stakeholders not tabled or put through an endless bureaucratic process.

Wind energy is by far the most promising of the renewable energy sources available to be connected to the electrical grid with current technology. Local 2150 was an active participant in passing Act 141 that created the renewable portfolio standards that must be met by the state's utilities by 2015. In addition, Local 2150 serves on Governor Doyle's Task Force on Global Warming where increasing renewable standards is a likely recommendation. Wind will continue to be the logical solution to meeting those requirements.

Wind permitting standards will allow for the expansion of the wind industry to help support future base load generation sources such as clean coal technologies and nuclear power plants in the shared goal of reducing greenhouse gas emissions.

If you have any questions regarding IBEW Local 2150's position on this issue please contact Forrest Ceel, President of IBEW Local 2150, at 262-252-2552 extension 223.

Daniel E. Sherman
Business Manager

sl/opeciu/local 9



February 29, 2008

Senator Jeff Plale
Chairman, Senate Committee on Commerce, Utilities and Rail
Room 313 South, State Capitol
Madison, WI 53708

Representative Phil Montgomery
Chairman, Assembly Committee on Energy and Utilities
Room 129 West, State Capitol
Madison, WI 53708

Dear Senator Plale and Representative Montgomery:

SUBJECT: Wind Permitting Reform Legislation

Dairyland provides wholesale electricity to 25 member distribution cooperatives and 19 municipal utilities in a service territory that encompasses 62 counties in four states – Wisconsin, Minnesota, Iowa and Illinois. These cooperatives and municipals, in turn, serve the needs of more than a half-million people. Eighteen of the member distribution cooperatives and 11 of the municipal utilities are within Wisconsin and represent about 70% of Dairyland's service territory.

In order to meet the renewable energy requirements of Wisconsin, Minnesota, Iowa and Illinois, Dairyland has been very proactive regarding sources of renewable energy generation, including 18 MW of wind, 22 MW of hydroelectric, 14.4 MW of landfill gas, and 2.4 MW of methane digesters with additional projects planned for the near future.

Dairyland bases its renewable energy planning on economics, availability and siting. The primary advantage of planning wind projects is the ability to scale the projects to need. For example, a landfill gas to energy project is limited in size by the availability and life-span of the landfill gas, whereas the size of a wind project can be adjusted to fit need and has an indefinite life-span.

The Wisconsin Renewable Portfolio Standard requires Wisconsin utilities to increase their renewable energy content by 2% by 2010 and an additional 4% by 2015 to bring the state from a 4% average to 10% by 2015. To meet this requirement, Dairyland will need to rely on wind energy as a major source of renewable energy due to the limited size and availability of other renewable energy sources.

A Touchstone Energy® Cooperative 

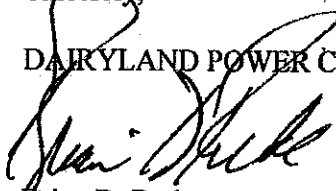
Senator Jeff Plale
Representative Phil Montgomery
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February 29, 2008

The current uncertainty regarding wind permitting in Wisconsin forces Dairyland to seek wind projects where there is certainty regarding wind permitting. Dairyland's current wind projects are located in Minnesota and Iowa and all planned projects are located there also due to the wind permitting certainty. If Dairyland is mandated by the states to meet renewable energy requirements, then Dairyland needs to plan for those requirements with certainty. Dairyland and a wind developer were in active discussions regarding a wind project to be sited within Wisconsin only to see the project fall through due to a local zoning ordinance.

Dairyland supports the Wind Permitting Reform Legislation. The ability to plan projects in Wisconsin with certainty will help move the state towards meeting its goal of 10% renewable energy by 2015.

Sincerely,

DAIRYLAND POWER COOPERATIVE



Brian D. Rude
Director, External Relations

BDR:mkw

WHAT HAVE I DONE?

Now each morning when I awake, I pray and then ask myself, "What have I done?"

I am involved with the BlueSky/GreenField wind turbine project in N.E. Fond du Lac County. I am also a successful farmer who cherishes his land. My father taught me how to farm, to be a steward of my fields, and by doing so, produce far better crop production. As I view this year's crops, my eyes feast on a most bountiful supply of corn and soybeans. And then my eyes focus again on the trenches and road scars leading to the turbine foundations. What have I done?

In 2003, the wind energy company made their first contacts with us. A \$2000 "incentive" started the process of winning us over, a few of us at a time. The city salesman would throw out their nets, like fishermen trawling for fish. Their incentive "gift" lured some of us in at first. Then the salesmen would leave and let us talk with other farmers. When the corporate salesmen returned, there would be more of us ready to sign up. Farmers had heard about the money to be made. Perhaps because we were successful farmers, we were the leaders and their best salesman. What have I done?

Sometime in 2004 or 2005, we signed \$4000.00 turbine contracts allowing them to "lease" our land for their needs. Our leases favored the company, but what did we know back then? Nobody knew what we were doing. Nobody realized all the changes that would occur over which we would have no control. How often my friends and I have made that statement! What have I done?

I watched stakes being driven in the fields and men using GPS monitors to place

into my fields, the physical changes started to impact not only me and my family, but unfortunately, my dear friends and neighbors. Later, a 4 foot deep by 2 foot wide trench started diagonally across my field. A field already divided by their road was now being divided again by the cables running to a substation. It was now making one large field into 4 smaller, irregularly shaped plots. Other turbine hosts also complained about their fields being subdivided or multi cable trenches requiring more land. Roads were cut in using anywhere from 1000 feet to over a 1/2 mile of land to connect necessary locations. We soon realized that the company places roads and trenches where they will benefit the company most, not the land owner. One neighbor's access road is right next to some of his out buildings. Another right next to his fence line. What have I done?

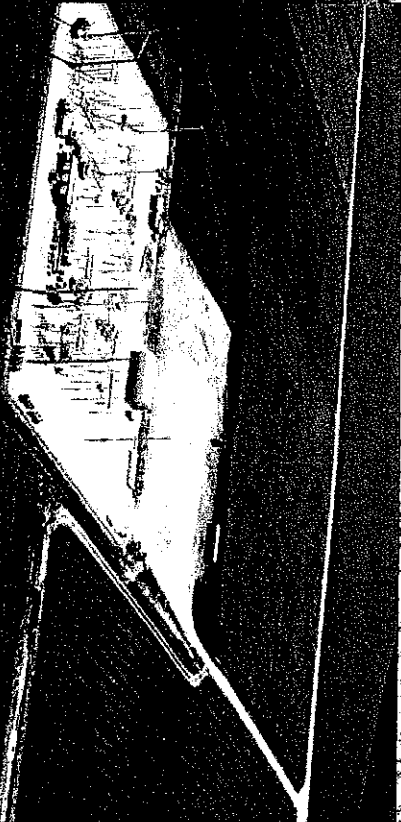
At a wind company dinner presented for the farmers hosting the turbines, we were repeatedly told - - nicely and indirectly - - to stay away from the company work sites once they start. I watch as my friends faces showed the same concern as I had, but none of us spoke out. Months later, when I approached a crew putting in lines where they promised me they would definitely would not go, a representative told me I could not be here. He insisted that I leave. The line went in. The company had the right. I had signed the lease. What have I done?

Grumbling started almost immediately after we agreed to a 2% yearly increase on our 30 year lease contracts. Some felt we should have held out for 10%. What farmer would lock in the price of corn over the next 5 years, yet alone lock one in at 2% yearly for 30 years? Then rumors leaked that other farmers had received higher yearly rates, so now contracts varied. The fast talking city sales folk had successfully delivered their plan. Without regard for our land, we were allowing them to come in and spoil it. All of the rocks we labored so hard to pick in our youth were replaced in a few hours by miles of roads packed hard with 10 inches of large breaker rock. Costly tilling we installed to improve drainage has now been cut into pieces by company trenching machines. What have I done?

Each night, a security team rides down our roads checking the foundation sites. They are checking for vandals and thieves. Once, when I had ventured with guests to show them foundation work, security stopped us and asked me, standing on my own property, what I was doing there. What have I done?

Now, at social functions, we can clearly see the huge division this has created among community members. Suddenly, there are strong-sided discussions and heated words between friends and, yes, between relatives about wind turbines. Perhaps this is of greater consequence than the harm caused to my land! Life is short and my friendships precious. What have I done?

I tried, as did some of the other farmers, to get out of our contracts, but we had signed a binding contract and a contract is a contract. If you are considering placing wind turbines on your property, I strongly recommend that you please reconsider. Study the issues. Think of the all the harm versus benefits to your land and, in the future, to your children's land by allowing companies to lease your land for turbines.



This was written by Don Bangert of Chilton after he interviewed a landowner from Ford du Lac County for two hours. Don wrote this story and then showed it to the owner who wishes to remain anonymous. The landowner approved this for publication.

WHAT HAVE I DONE?
PLEASE DO NOT DO
WHAT I HAVE DONE!